Commissioning for purpose: investigating commissioning as a collecting strategy for municipal museums and galleries 2000–present

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Abstract

The use of the 'commission-accession' principle as a mechanism for sustainable collecting in public museums and galleries has been significantly under-researched, only recently soliciting attention from national funding bodies in the United Kingdom (UK). This research has assessed an unfolding situation and provided a body of current evaluative evidence for commission-based acquisitions and a model for curators to use in future contemporary art purchases. 'Commission-accession' is a practice increasingly used by European and American museums yet has seen little uptake in the UK. Very recent examples demonstrate that new works produced via commissioning which then enter permanent collections, have significant financial and audience benefits that UK museums could harness, by drawing on the expertise of local and national commissioning organisations. Very little evaluative information is available on inter-institutional precedents in the United States (US) or 'achat par commande' in France. Neither is there yet literature that investigates the ambition for and viability of such models in the UK. This thesis addresses both of these areas, and provides evaluative case studies that will be of particular value to curators who seek sustainable ways to build their contemporary art collections. It draws on a survey of 82 museums and galleries across the UK conducted for this research, which provide a picture of where and how 'commission-accession' has been applied, and demonstrates its impacts as a strategy. In addition interviews with artists and curators in the UK, US and France on the social, economic and cultural implications of 'commission-accession' processes were undertaken. These have shed new light on issues inherent to the commissioning of contemporary art such as communication, trust, and risk as well as drawing attention to the benefits and challenges involved in commissioning as of yet unmade works of art.

Declaration

This thesis represents the original work of Bo Hanley unless explicitly stated otherwise in the text. The research upon which it is based was carried out at the University of Glasgow, under the supervision of Dr. Tina Fiske, during the period September 2008 to August 2013.

Bo Hanley

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This PhD research was inspired by a series of stimulating discussions that took place at a conference organised by the Visual Arts and Galleries Association entitled 'The Legacies of Commissioning' in the Autumn of 2007 following the completion of my Masters study in the Department of the History of Art at the University of Glasgow. It was this introduction to the use of commissioning and 'commission-accession' practices and the benefits that they offered to public museums and galleries and artists that stirred my interest in this subject. Subsequently, my primary supervisor, Dr. Tina Fiske's insight and encouragement prompted the initiation of this research, for which I am grateful. I would like to thank her for her sensitivity and belief in the ideas manifested during the course of this project as well as for her support and guidance, especially on all things literary, throughout the writing of this thesis project. Thanks too, to my second supervisor, Elizabeth Hancock for her practical and administrative assistance throughout this period of study.

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List of Acronyms

Acronym	Description
ACE	Arts Council England
AFI	Art Fund International
BAM/PFA	Berkeley Art Museum and Pacific Film Archive
BIG	Big Lottery Fund
CAS	Contemporary Art Society
DIA	DIA Art Foundation
EU	European Union
FNAC	Fonds National d'Art Contemporain
FRAC	Fonds Regional d'Art Contemporain
IMLS	Institute of Museum and Library Services
MA	Museums Association
MAO	Modern Art Oxford
MCA	Museum of Contemporary Art Chicago
MCASD	Museum of Contemporary Art San Diego
MGS	Museums and Galleries Scotland
MLA	Museum Libraries and Archives Council
NCSS	National Collecting Scheme Scotland
NDPB	Non Departmental Public Body
NEA	National Endowment for the Arts
NEH	National Endowment for the Humanities

NGS	National Galleries of Scotland
NSF	National Science Foundation
ODA	Olympic Delivery Authority
RCI	Romanian Cultural Institute
SAC	Scottish Arts Council
SNGMA	Scottish National Gallery of Modern Art
SCS	Special Collection Scheme
3M	Three Museums Project
3 Series	3 Series: 3 artist; 3 spaces; 3 years
UK	United Kingdom
US	United States

Associated Publications

1. **B. Hanley**, 'Acquiring the Ineffable: Investigating production and policy for contemporary visual art in municipal museums and galleries in Scotland', *The Journal of the Scottish Society of Art History*, 16:41-47, 2011-2012.

Introduction

The commissioning of an artwork is not a new practice. In fact, it is nearly as old as the practice of art-making itself.[1] Over the centuries commissions have taken a variety of different forms, from the designs and embellishments on the façades of Greek temples, such as those commissioned by the Greek statesman Pericles by the Athenian sculptor Phidias for the Parthenon in the fifth century BC, to Papal and princely commissions for Italian palaces and domestic quarters, which proliferated throughout the Renaissance. On to the popular portrait paintings of the eighteenth and nineteenth century, to the state-sponsored public art commissions of the twentieth century and finally culminating very recently in an ever-expanding taxonomy of museum and gallery commissions that have emerged over the last decade.

Though the practice of commissioning has shifted over the centuries as a consequence of changes in the ontology of the artwork, the artworld and consequently in what is recognised as art, throughout the ages commissioners have consistently sought out particular artists and entrusted them to make new works fit for their purposes and artists have put their confidence in commissioners to maintain their agreements by providing the resources and support necessary to make their work. Thus, while the purpose and function of art commissions has changed considerably over time, the importance of trust has continued to play a major role in enabling the cooperative relationships that

[1] Louisa Buck and Daniel McClean. *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists.* Thames and Hudson Ltd: London, 2012.

have enabled the commissioning of new works of art for different contexts and audiences. Jo Digger, Head of Collections, New Art Gallery, Walsall, said of contemporary art commissioning, that: "It is about developing a good relationship with the artist and clear communication that provides a framework for trust, which is fundamental to the commissioning process."[2]

This dependence on trust in the commissioning relationship can be traced back to the origins of the term 'commission', which stems from the Latin word *committere*, which is to "join" or "entrust" and appropriately has the same root as the term 'commit'. The Oxford English Dictionary has defined commission and commit, respectively, as: "An order or instruction for something (newly produced), especially a work of art, to be produced specially", and "To dedicate one's self to, pledge or bind".[3] These definitions, which are derived from the same Latin root word, suggest a direct correlation between trust, commitment and the act of commissioning.

It is in part this reliance on trust and the critical role it plays in enabling cooperative relationships, together with the unpredictable nature of interpersonal exchanges, that has made the commissioning of art a risky practice. While today commissions continue to be one of the ways that artworks are made and exhibited publicly, the risks involved in commissioning a new work where the outcome is unknown has made it a relatively new practice in the context of public museums and galleries, particularly where collecting is concerned. Eva Gonzalez-Sancho, former Director of Frac Bourgogne, Dijon claimed that in the context of commissioning a new work:

> "You always have risk because given that the work arrives via a commission I am not sure what the result will be. So I am clear with the artist from the beginning that we are interested in working with them to produce a work for exhibition, but until we see the work we cannot say for sure whether we will buy it or not. In the end, [...] we agree that we want to buy a work by

[2]Bo Hanley. "Interview: Jo Digger 'Collecting and Commissioning Contemporary Art'". New Art Gallery, Gallery Square, Walsall; Conference Room. 2011.

[3]Oxford English Dictionary (Electronic). "Oxford English Dictionary (Online)". In: (2012). URL: `http://oxforddictionaries.com`, Last accessed: 21/06/2013.

> the artist, but I need to see the result before I can decide if this is the most suitable work for the collection."[4]

This is due to the fact that since the introduction of public museums and galleries in the eighteenth century the primary role of the museum has been to collect, exhibit and preserve objects of quality and potential historical importance for posterity.[5] In doing so, museums and galleries have historically favoured collecting existing artworks by established artists – preferring to know precisely what they are getting before they buy. However, in the context of a commissioning process this is not always possible, as it can be the case that commissions require a commitment before the artist has begun to make the work. Jo Digger, drew attention to this, arguing that when:

> "[The artist] has an idea, they have a concept and when you go with that commission and decide you are going on their past work, you have to trust [...] sometimes you hedge your bets and say we won't decide if we will buy this piece until afterwards, which is again based on that flexibility in budget and approaches, it *can't* always happen that way, sometimes you have to make a decision in advance."[6]

As a result, the commissioning of art for permanent collection has until recently remained peripheral to mainstream collecting practices for public museums and galleries. One reason for this is the potential risk involved in commissioning a bespoke artwork, which is unknown at the time of commission. However, at the start of the twenty-first century this began to change as museums and galleries began to recognise the benefits offered by working directly with artists to commission custom-made artworks.

In the United Kingdom, there have been a number of factors that have influenced this revival, not least the work of temporary exhibitions galleries such as Artangel and

[4]Bo Hanley. "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: 8 University Gardens, University of Glasgow /telephone interview. 2011.

[5]Bruce Altshuler, ed. *Collecting the New: Museums and Contemporary Art.* Princeton University Press, Princeton and Oxford, 2005.

[6]Hanley, "Interview: Jo Digger 'Collecting and Commissioning Contemporary Art'".

Modus Operandi, commissioning organisations based in London, which have used commissions as a way of locating art in contexts outside of traditional gallery spaces. This thrust in UK commissioning for public places was supported by a number of changes in public policy and funding. In particular, the Arts Council's adoption of the 'Percent for Art Policy'[7,8]

The introduction of Arts Council Lottery Funding in 1995 provided new funding and support for commissioning projects in the UK. While these earlier incentives were directed toward public art commissions, the impacts of such projects on the public and their success in developing new audiences for contemporary art gave way to a series of new commissions that corresponded with the turn of the millennium (in 2000). These drew support from Lottery funds distributed through the Millennium Commission.[9] Additional support for the commissioning and collecting of contemporary art by public museums and galleries was made possible through the Arts Council's implementation of other country-specific schemes in England and Scotland respectively, such as the Special Collections Scheme (SCS) (1998–2005) and the National Collecting Scheme Scotland (NCSS) (2003–2010), in particular, the commissioning of Joanne Tatham and Tom O'Sullivan's Rhetoric *Works & Vanity Works and Other Works* (2006), a major new work for Scotland, which is outlined in Chapter Three.

[7]The 'Percent for Art Policy' was administered in locations across Europe and complimented high profile commissions such as the commissioning of new work for architecture and outdoor and public places through the provision of the Nouveaux Commanditaires through the Fondation de France.

[8]For further details about the Nouveaux Commanditaires see: (Fondation de France. "Les Nouveaux Commanditaires". In: *Fondation de France Website* [2013]. URL: `http://www.fondationdefrance.org/Nos-Actions/Developper-la-connaissance/Culture/Les-nouveaux-commanditaires`, Last accessed: 21/06/2013)

[9]The Millennium Commission was a body implemented to support projects across the UK, which marked the year 2000. The Millennium Commission became obsolete in November, 2006 when it was replaced by the Big Lottery Fund (BIG), which is the Millennium Commission's legal successor. BIG, which became active in December 2006, is a merger between the New Opportunities Fund and the Community Fund. It is a non-departmental public body supported by the Cabinet Office. BIG is responsible for distributing forty per cent of all funds raised for 'good causes' (including health, education, environment and charitable purposes) by the National Lottery. This totals around £600 million each year. Eighty to ninety per cent of its funding is directed toward voluntary and community sector organisations throughout the UK. For further information about the Big Lottery Fund see: (The National Lottery. *The Big Lottery Fund*. 2013. URL: `http://millenniumnow.org.uk/andhttp://www.biglotteryfund.org.uk/`, Last accessed: 21/06/2013).

There have also been a number of high-profile commissions both in the UK and internationally, which have facilitated the development of ambitious new works and attracted ever-greater numbers of people to engage with contemporary visual art. In particular, UK commissions such as: the temporary public artworks for the Fourth Plinth Programme, which are specially made for the vacant plinth in the north-west corner of London's Trafalgar Square, initiated in 1998 by the Royal Society of Arts; the large-scale commissions for Tate's annual Unilever Series that began in 2000, which have challenged international artists to make ambitious work to fill the enormous 152 metre long and 35 metre high Turbine Hall at Tate Modern in London; and the site-specific commissions for biennials and art fairs such as those made specially for the Liverpool Biennial and for the Scottish and British pavilions at the Venice Biennale, many of which travelled back to the UK to be re-exhibited after being shown in Venice – a notable example of which is Martin Boyce's 'No Reflections' commissioned by Dundee Contemporary Arts for 'Scotland and Venice', in 2009, which will be outlined in Chapter Four.

There have also been a number of international commissions and co-commissioned projects that have brought together commissioning and collecting as a way to, not only, facilitate the making of ambitious,[10] new works of art, but have also matured the commissioning model by marrying commissioning with collecting either in the context of a single institution (where an institution commissions an artwork and then acquires that work on its own) or in an institutional partnership (where one organisation commissions a new work and another institution collects it). In addition to this, institutions have begun to commission new works both on and off their premises. This was the case with the Moderna Museet Projekt series, which ran between 1998 and 2001 and included twenty-nine newly commissioned works. The series supported artists at early stages in their careers by commissioning new works around a disused vicarage near the main museum building, as well as for the museum's primary galleries and in-between spaces

[10]The term ambitious will be used throughout this thesis to denote emerging contemporary artworks that push or exceed the boundaries of an artist's practice either in scale, level of technical detail, scope of the work or in relation to the range and application of materials and/or other resources used.

such as the lobby, corridors and shop. Commissioned artists included: Annika Eriksson, Simon Starling, Claire Barclay and Philippe Parreno, to name a few. Following the commissions, a number of the commissioned works joined the museum's permanent collection. Other notable international examples, which will be outlined in the following chapters, include: the Three Museums Project (3M), which was initiated in 2004 and involved three major museums in the United States including the New Museum, New York, the Museum of Contemporary Art (MCA), Chicago and the Hammer Museum, Los Angeles.

The 3M partnership was particularly innovative in that it introduced a new model with which to jointly commission, exhibit, and acquire important works of contemporary art by artists whose works were yet to receive significant recognition. There have also been regular, on-going commissions by French museums and galleries, such as the Fonds Regional d'Art Contemporain (FRAC) Bourgogne and Le Consortium, both located in Dijon, and examined in Chapter Three, which have used commissioning as a way to inform their collections.

These projects have led to the growing visibility of art commissioning over the last two decades. This has resulted in the pluralisation of commissioning practices in general and in particular to the increased use of 'commission-accession' models by UK museums and galleries post-2000, which will be the focus of this thesis. For the purpose of this study, the commissioning of an artwork for permanent collection, or what will be herein labelled 'commission-accession' refers to the process by which an artist is invited to make a new work for a particular purpose, context, situation or event and subsequently that work is acquired without significant delay by a commissioning agent or body or by another individual or organisation external to the commission.

The term 'commission-accession' emerged very recently in the context of public museum and gallery work as a response to the proliferation of commissioning practices.[11]

[11]The origins of the term 'commission-accession' can be traced back to France, where it appeared first in the 1980s as 'achat par commande', which translated into English means to "buy by commission" or "to commission in order to buy".

It is an evolution on the singular concept of 'commission', noted above. In the context of this study it is distinguished as a process of 'dependent creation,'[12] which is unlike an independent creative process (e.g.: one which involves work being made in an artist's studio or as part his or her private practice where the artist initiates and assumes sole control of the aesthetic, conceptual and practical decisions for a new work). In contrast, commissioning requires that the artist enter into a complex process of negotiation, which can involve a range of different stakeholders and external factors that contribute to and influence the realisation of the artwork.

This thesis aims to provide a deeper understanding of the processes and practices that underpin the commissioning of contemporary artworks for artists and commissioners working in the context of public museums and galleries from 2000 to 2013. It argues that art commissioning practices are dependent on cooperative relationships and examines the experiences of artists and museum and gallery commissioners who have recently been involved in a commissioning process, highlighting among other things the important role that trust plays in the relationships that are responsible for the commissioning of new works of art. In doing so, it aims to prepare and equip potential museum and gallery curators seeking to commission an artwork for an exhibition or for a collection by demystifying the practical, legal and ethical issues that underpin the commissioning of contemporary works of art.

Chapter One examines a variety of Renaissance commissions, drawing on specific examples of Renaissance and contemporary commissioning contracts, which demonstrate shifts in the language and practice of commissioning and highlight key aspects of the artist-commissioner relationship such as cooperation, communication, competition, prestige, trust and risk. In Chapter Two I address the relationship between the commissioning of art and the crucial role that trust and cooperation play in the human exchanges that enable the production of new art, introducing the topic of art commissioning to the

[12] Alexandra Touboul. "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé". In: *Etape 19* (2006), pp. 1–24. URL: `http://www.espaceculture.net/09_droit_culture/pdf_etapes/Etape19.pdf`, Last accessed: 21/06/2016.

existing literature on trust, arguing that commissioning is a practice based on exchange and like all other processes of exchange it requires high levels of cooperation and trust. In doing so, it examines the benefits of investing in trust in exchanges at the interpersonal and interorganisational level as well as the costs associated with breaches of trust in the commissioning of new work, although it also argues that while trust is a key component of the commissioning process, which can contribute to its success as a model it is alone not enough to sustain it. Building on the previous two chapters, Chapters Three and Four, draw on recent interviews with artists and museum and gallery professionals in order to draw-in first hand accounts of their experiences, thoughts and opinions on the commissioning and collecting of contemporary art. Chapter Three proposes that there has been a revival of commissioning practices from 2000. Focussing on recent museum models for commissioning in the US, France and the UK that have emerged since 2000, it highlights both the benefits and challenges for arts institutions associated with commissioning and collecting newly commissioned works. It outlines a range of recent commissions by public museums and galleries in order to demonstrate the taxonomy of commissioning models, currently in use, in particular those which marry commissioning and collecting through a 'commission-accession' process. Chapter Four, turns to examine the commissioning of new work from the perspective of the artist, presenting three case studies (Toby Paterson (b. 1974), Martin Boyce (b. 1969) and Richard Wright (b. 1960)), all of which demonstrate high levels of trust and together offer an affirmative account of the commissioning process.

Scope of the Study

As a result of the ever-expanding taxonomy of commissioning models, there has been more art commissioned in the last fifteen years than in all of the previous century.[13] As contemporary art commissioning has become an expanded field, the scope of this study does not permit a general survey of contemporary art commissioned during this period.

[13] Jane Neal. "Report: Exhibition by Commission". In: *Map Magazine* 14 (2008).

Instead, focus is placed on contemporary art commissions by public museums and galleries post-2000, with a particular emphasis on commissions undertaken by a number of municipal museums and galleries in the UK. The recent proliferation in commissioned work has helped to define the scope of this study, which investigates the recent revival in contemporary art commissioning practices over the last decade and is primarily concerned with artworks commissioned by public museums and galleries between 2000 and 2013.

This research takes as its basis the study of works commissioned by, in particular, municipal museums and galleries in the UK in order to investigate a primary question – Do art commissions offer important benefits for public museums and galleries, artists and their audiences? This question opens up many lines of related enquiry. Specifically, have these benefits led to the very recent revival in commissioning practices by public museums and galleries; what are the benefits that commissions offer; and, can commissioning when paired with collecting offer new strategies for institutional collecting? Moreover, if this is the case, what has prevented commissioning and 'commission-accession' from becoming mainstream museum practices?

Even as recently as the late-twentieth and twenty-first century, there have been numerous examples of public art commissions. In particular, works such as: Rachel Whiteread's *House* (1991) commissioned by Artangel, where Whiteread decided to cast the interior of a whole house – 193 Grove Road in the Bow District of London's East End; the eighteen ton steel sculpture *Angel of the North* (1998) by Anthony Gormley located in Gateshead that celebrates the decline in the manufacturing industry in that area and Richard Wilson's *Turning the Place Over*, commissioned by the Liverpool Biennial in 2008, where the artist cut a cylinder out of the facade of an empty office block in Liverpool and used a sophisticated hydraulic system to spin it in front of the building, to name but a few, are notable examples of commissions that have drawn large audiences to engage with contemporary art.

There have also been numerous temporary and permanent contemporary craft commissions in recent years. In the UK in particular, national projects such as Museumaker, which was initiated in the East Midlands with support from Arts Council England (ACE), Museums, Libraries and Archives Council (MLA) and its Renaissance Programme and ran from 2006 to 2011. The project involved sixteen non-national museums that ranged from large city institutions to small independent rural museums and university collections. Each museum commissioned one or more maker (including Clare Twomey, Susie MacMurray and Cathy Miles, to name a few) to create new work in response to the venue and its collections.[14]

The success of these commissions in drawing new audiences to contemporary craft have led to a number of more recent craft projects such as Jerwood Makers Open (2012), which was an exhibition of new commissions for Jerwood Visual Arts in London by five emerging makers, each of whom was awarded £7,500 to make a new work. The exhibition brought together new works by Nao Matsunaga, James Rigler, William Shannon, Louis Thompson and Silvia Weidenbach. The Bristol-based arts organisation, Watershed, in January 2013 also introduced a new programme of Craft + Technology Residencies that offer three makers (Heidi Hinder, Chloe Meineck and Patrick Laing) the opportunity to work with technologists at the Pervasive Media Studio, i-DAT in Plymouth and Autonomatic in Falmouth. The commissions provide the chance for these makers to explore how new technologies embedded in objects can facilitate new interactions between objects and people.[15] Recent craft commissions in the UK have generated new audiences for applied artworks, which offer new examples of the benefits commissions can offer and therefore merit mention here. However, to narrow the scope of this research, this thesis

[14]For further information on Museumaker see: (Lianne Jarrett. "Press Release: Museumaker Unlocking the Creative Potential of Museum Collections". In: *Arts Council England (ACE), Museums, Libraries and Archives Council (MLA) (Online)* [2009]. URL: `http://www.museumaker.com/media/downloads/Introducing_museumaker.pdf`
Museums Libraries The National Lottery Arts Council England (ACE) and Archives Council (MLA). *Museumaker*. 2011. URL: `http://www.museumaker.com/`, Last accessed: 21/06/2013).

[15]More information on Watershed Craft + Technology Residencies can be found on the Watershed Journal Website.(*Watershed Commissions Craft makers to Explore the Internet of Things*. 2013. URL: `http://www.watershed.co.uk/news/watershed-commissions-craft-makers-to-explore-the-internet-of-things/`, Last accessed: 21/06/2013)

will focus on visual art commissions only, as a distinct field from contemporary applied art and craft.

While both historical and recent commissions demonstrate that commissioners have continued to seek out artists to make new works for public and private buildings and spaces and for temporary exhibitions, until very recently commissions have remained relatively scarce in the context of public museums and galleries and collecting. I aim to address why this has been the case and what has caused public museums and galleries to demur from commissioning new work from artists. This thesis will also examine the circumstances that have contributed to the very recent revival of commissioning and 'commission-accession' practices.

Critical Debates and Literature on Art Commissioning

Published literature that discusses the commissioning of contemporary art by public museums and galleries is relatively scarce. There is even less written material that examines commissioning and collecting together as a joint practice through a 'commission-accession' model. Existing literature on contemporary commissioning has until very recently been centred around public art commissions. Specific issues relating to public art became an important area of critical debate in the mid 1980s and early 1990s in the US. The American journal the *Public Art Review*, initiated in 1989 introduced a new forum for debate around issues concerning public art making, artists and the language around public art commissioning practices. At this time a number of writers based in the US began to discuss various issues related to the commissioning of public art and in

particular 'new genre public art'.[16,17]

Since then, there has been a growing body of literature discussing the commissioning of art for a specific site or context[18] and on situating contemporary commissioned art in different contexts.[19] More recently, the debate has opened up, focusing on particular kinds of commissions such as: New Media, Contemporary Craft and commissions for Community-based Art Projects and Performance Art.[20] There has been a host of literature focused on the history of museum collecting[21] as well as the evolution of public museums and galleries, leading up to the origins of museums of contemporary art.[22]

[16] W. J. T. Mitchell, ed. *Art and the Public Sphere*. University of Chicago Press, Chicago and London, 1990
Suzi Gablik. "Are Aesthetics and Social Responsibility Compatible?" In: *Public Art Review* 2.1 (1990), pp. 10–11
Arlene Raven, ed. *Art in the Public Interest: new art in the 1980's*. Da Capo: New York, 1993
Suzanne Lacy, ed. *Mapping the Terrain: New Genre Public Art*. Bay Press: Seattle, 1995
David Harding and Paveloch Buchler, eds. *Decadent Public Art: Contentious Term Contested Practice*. Foulis Press, 1997.

[17] 'New genre public art' was a term coined by Suzanne Lacy in her 1995 work, *Mapping the Terrain: New Genre Public Art* to describe a public art which, "is not built on a typology of materials, spaces, or artistic media, but rather on concepts of audience, relationship, communication and political intention."(Lacy, *Mapping the Terrain: New Genre Public Art*, p. 28)

[18] Alex Coles, ed. *Site-Specificity: The Ethnographic Turn*. Vol. 4. Black Dog Publishing Limited, London, 2000.

[19] Claire Doherty, ed. *Contemporary Art from Studio to Sitution*. Black Dog Publishing Limited, London, 2004
Claire Doherty. "Inside/Out: Curating Today, Claire Doherty, 'Curating Wrong Places or Where have all the Penguins Gone?'" In: (2006). URL: `http://www.falmouth.ac.uk/201/courses-7/postgraduate-courses-43/-20th-century-art-and-design-conferences-symposia-and-visiting-speakers-2108.html`, Last accessed: 06/07/2013.

[20] Peter Dunn and Loraine Leeson. "The Aesthetics of Collaboration". English. In: *Art Journal* 56.1 (1997), pp. 26–37. ISSN: 00043249. URL: `http://www.jstor.org/stable/777784`
Louise Govier. *Leaders in co-creation? Why and how museums could develop their co-creative practice with the public, building on ideas from the performing arts and other non-museum organisations*. Unpublished. School of Museum Studies, University of Leicester, Research Centre for Museums, and Galleries, University of Leicester, 2009. URL: `http://www2.le.ac.uk/departments/museumstudies/rcmg/projects/leaders-in-co-creation/Louise%20Govier%20-%20Clore%20Research%20-%20Leaders%20in%20Co-Creation.pdf`.

[21] John Elsner and Roger Cardinal, eds. *The Cultures of Collecting*. Reaktion Books: London, 1994
Philipp Blom. *To Have and To Hold: An Intimate History of Collectors and Collecting*. The Overlook Press: Woodstock and New York, 2002.

[22] J. Pedro Lorente. *Cathedrals of Urban Modernity*. Ashgate Publishing: Surrey, England and Vermont, USA, 1998
J. Pedro Lorente. *The Museums of Contemporary Art Notion and Development*. Ashgate Publishing Surrey, England and Vermont, USA, 2011
Brian O'Doherty. *Inside the White Cube*. University of California Press: Berkeley, Los Angeles, London, 1999
Janet Marstine, ed. *New Museum Theory and Practice*. Blackwell Publishing Ltd., Oxford, 2006.

Even more recently on the collecting of contemporary works of art by public museums and galleries.[23] These publications outline changes in both the aesthetics of modern and contemporary museums and galleries as well as shifts in their policies, structures, programming and modes of collecting, which inform this study of contemporary art commissioning as an emerging collecting strategy for public museums and galleries.

As contemporary cultural institutions, the role of public museums and galleries has expanded considerably since their introduction in the late eighteenth and early nineteenth centuries. These evolutions have developed in accordance with changes in the policy, governance and function of arts institutions, which have widened the museum taxonomy both in number and kind by introducing new museum models. Over several decades, a number of scholars have outlined some of these models as well as some of the changes in contemporary museum provision.[24] In doing so, they have distinguishing core differences in the way arts institutions are structured, funded and governed.

While the length of this thesis does not allow for an in-depth look at distinctions in the structure and funding of public art museums internationally, and much has already been written in this area, it is nonetheless important to mention that vast disparities do exist between museums with respect to differences in where they are located (internationally) and the size and maturity of different art markets. These distinctions have particular implications for public art collections as they directly impact the ways in which they are structured, regulated and in turn the power they have to collect new

[23] Altshuler, *Collecting the New: Museums and Contemporary Art*
Adam Lindemann. *Collecting Contemporary.* Taschen, Koln, 2006
Simon J. Knell, ed. *Museums and the Future of Collecting.* Second. Ashgate, 2004
Caroline Bugler, Alison Cole, Juliet Hardwicke, ed. *Saving Art for the Nation: A Valid Approach to 21st-Century Collecting?* National Art Collections Fund in association with The Art Newspaper, 2004
Jonathan Harris, ed. *Art, Money, Parties New Institutions in the Political Economy of Contemporary Art.* Liverpool University Press, 2004.

[24] Andrew McClellan. *The Art Museum from Boullee to Bilbao.* University of California Press, Berkley, 2008
Sheila Watson Simon J. Knell Suzanne MacLeod, ed. *Museum Revolutions How Museums Change and Are Changed.* Routledge, New York; London, 2007
Christopher White, ed. *Art Museums: The European Experience.* The European - American Assembly on Art Museums, Ditchley Park, 1975
Sherman E. Lee, ed. *On Understanding Art Museums.* The American Assembly, Columbia University and Prentice Hall Inc., London, 1975.

work. This is particularly significant to an investigation of how commissions have been applied as a strategy for collecting. However, while there is substantial literature which investigates museum and gallery collecting on its own as a distinct practice, there is yet to be a body of literature that examines contemporary commissioning and collecting as a joint practice or which examines emerging 'commission-accession' models in the context of museums and galleries and collecting. This thesis seeks to fill this gap in the research.

There is a considerable body of genre-specific literature that plots historical commissioning processes. In particular, published literature on Italian Renaissance commissions has been especially instructive in elucidating key aspects of early commissioning practices. Chapter One outlines a number of Renaissance commissions and uses specific examples of Renaissance and contemporary commissioning contracts in order to highlight shifts in the language and practice of commissioning and to draw out core aspects of the artist-commissioner relationship such as: cooperation, competition, communication trust and risk. These primary sources have provided early examples of the risks involved in commissioning new art as well as highlighting some of the key features of the commissioning process. It also considers how these characteristics structure the social exchanges that underpin the commissioning of artworks and how this is important.

Specific details of the relationships between Renaissance artists and commissioners have been examined by a host of different scholars.[25] These works draw together a large number of primary sources including artist contracts and letters of correspondence between artists, commissioners and agents. In his article, 'What did the Renaissance Patron Buy?' Creighton Gilbert draws attention to the fact that during the Renaissance

[25]David H. Solkin. *Painting for Money The Visual Arts and the Public Sphere in Eighteenth Century England*. Yale University Press, New Haven and London, 1992
Creighton E. Gilbert. "What Did the Renaissance Patron Buy?" English. In: *Renaissance Quarterly* 51.2 (1998), pp. 392–450. ISSN: 00344338. URL: `http://www.jstor.org/stable/2901572`
Thomas McGrath. "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy". English. In: *The Art Bulletin* 82.2 (2000), pp. 298–308. ISSN: 00043079. URL: `http://www.jstor.org/stable/3051378`
Michelle O'Malley. *The Business of Art*. Yale University Press: New Haven and London, 2005
Jonathan K. Nelson and Richard J. Zeckhauser, eds. *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*. Princeton University Press, Princeton and Oxford, 2008.

commissioners were investing in more than just paintings, but rather in the skill, experience and ideas of particular artists.[26] However, he also argues that while commissioners did have clear ideas about the content of the paintings they commissioned and these were often reflected in their decisions to work with particular artists, creative decisions were not dictated by commissioners or artists alone, but rather were a consequence of a joint effort between them. In doing so, commissioners were placing a high level of trust in the artists they commissioned.

Further support for the fact that Renaissance commissions were a result of artist-commissioner collaborations was outlined by McGrath in his article 'Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy', where he emphasises the critical role that both written and oral communication played in the creation of new works of art.[27] This highlights how decisions during the development of a new work were often a result of on-going negotiations between artists and commissioners. Oral communication was an essential part of such exchanges out with an artist's contract, since while major features of a work such as: the background scene, number and position of figures and quantity of fine pigments used in a painting or fresco, could be outlined in writing in advance of a commission, the choice and application of colour and other stylistic features like the use of light and shadow were often too complex to communicate in writing and required regular verbal dialogue between an artist and a commissioner. McGrath's article demonstrates that as far back as the Renaissance, investing in an "as of yet unmade"[28] artwork was a risky process and consequently strong oral communication served as a useful tool to mitigate potential risks, by ensuring that creative decisions were voiced before a new work was made.

However, while communication has helped to protect against disappointment in commissioner-artist exchanges during the Renaissance (by assuring that commissioners

[26]Gilbert, "What Did the Renaissance Patron Buy?"

[27]McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy".

[28]Bo Hanley. "Acquiring the Ineffable: Investigating Production and Policy for Contemporary Visual Art in Municipal Museums and Galleries in Scotland". In: *The Journal of the Scottish Society of Art History* 16 (2011-2012), pp. 41–47.

had a better idea of the works they were commissioning to buy, and consequently increasing the artist's chance of completing the work and being paid), in the absence of a finished work, there was still a great deal of trust required between parties – who by agreeing to work together on a commission were investing in unknown objects. The importance of trust was underscored by Nelson and Zeckhauser in *The Patron's Payoff*, which focuses on a number of 'conspicuous commissions' executed in northern and central Italy between the early 1300s and the late 1500s.[29]

Nelson and Zeckhauser's work offers important information about the roles of commissioners and artists and their audiences in the making of newly commissioned works, highlighting both the challenges and the benefits that each party faced in working together in a commissioning process. This was underpinned by O'Malley, whose investigation into the language of Renaissance contracts for altarpieces and paintings draws together an extensive amount of primary source material, including translations of letters of correspondence written between artists, commissioners and agents from Latin into English as well as a large number of original contracts. The language of contracts has helped to draw out changes in the practices and processes of commissioning when compared to those used today for the commissioning of contemporary artworks.

These works have offered instructive information about the roles of commissioners and artists in Renaissance Italy and how communication and trust played a critical role in early commissioning processes. The literature on Italian Renaissance commissions provides many examples that reinforce the assertion that art commissioning is a trust-based practice, which has offered useful points of comparison for an investigation into contemporary art commissioning processes. In the realm of historical commissions there is also a comprehensive amount of literature that outlines eighteenth century portrait

[29]Nelson and Zeckhauser have borrowed the phrase 'conspicuous commissioning' from Thorstein Veblen's term 'conspicuous consumption', (Thorstein Veblen. *The Theory of the Leisure Class: An Economic Study of Institutions.* Macmillan: New York, 1899, p. 75) intended to denote "spending behaviour and to convey the consumer's status."(Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*, p. 3)

paintings. These works survey a large number of commissioned paintings from the period, as well as examining details of the relationships between patrons and artists.[30]

More recently, there have been various publications discussing the recent revival of art commissioning practices and their visibility within the context of public museums and galleries. In particular, websites, press releases and newspaper and journal articles post-2000, have been useful in plotting emerging examples of museum and gallery commissions, commissioning schemes and initiatives as well as shifts in practice and policy around contemporary art commissioning. Editions from January 2000 to August 2013 of the *Museums Journal*, a monthly UK publication published by the Museums Association have been a primary source of information on UK museums and galleries, drawing together news and analysis of key issues and details of the the most recent projects, including details of works commissioned for biennials and other high profile commissions.

There have also been various publications, which outline the language of commissioning contracts for contemporary artworks. These map out "specific" and "general" clauses within a commissioning contract.[31] Henry Lydiate wrote a series of Artlaw columns on art commissioning in Art Monthly.[32] Founded in 1976, Art Monthly is the

[30]Susan Rather. "Carpenter, Tailor, Shoemaker, Artist: Copley and Portrait Painting around 1770". English. In: *The Art Bulletin* 79.2 (1997), pp. 269–290. ISSN: 00043079. URL: `http://www.jstor.org/stable/3046246`

Tony Halliday. *Facing the Public: Potraiture in the Aftermath of the French Revolution*. Manchester University Press: Manchester, 1999

Shearer West. *Potraiture*. Oxford University Press: Oxford and New York, 2004

Catherine Tite. *Portraiture, Dynasty and Power: Art Patronage in Hanoverian Britain, 1714-1759*. Cambria Press: Cambria, 2010

Sebastien Mitchell. *Visions of Britain, 1730-1830: Anglo Scottish Writing and Representation*. Palgrave Macmillan: Hampshire, 2013.

[31]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé"

Lela Hersh. "Agreement for Commissioned Installation/Artwork". (This document is a close adaptation, of an agreement written by Lela Hersh for the Museum of Contemporary Art in Chicago, which was later adapted for use by The Whitney Museum of American Art. It has been distributed in the Source Book of materials from an annual AAM meeting, as well as in the materials that accompanied her presentation at a ALI-ABA meeting.) 1999. URL: `http://www.panix.com/~squigle/contract.html`.

[32]Henry Lydiate. "Commissioning An Artist". In: *Artquest: Art Law (Online)* Art Law (1977). URL: `http://www.artquest.org.uk/articles/view/commissioning-an-artist1`

Henry Lydiate. "Commissions and the responsibilities they bring, part 1". In: *Art Monthly (Artquest: Art Law (Online))* (1981). URL: `http://www.artquest.org.uk/artlaw/contracts/using-written-`

UK's oldest magazine focusing on contemporary art and the issues surrounding its making. More recently, Vivien Lovell, Director of the London-based art consultancy, Modus Operandi, published 'Commissioning Guidelines' in Public Art Online, which presented specific information for artists and commissioners including a series of essential guidelines for commissioning a new work.[33] Additional tips for commissioning, including information about recoupment of funds for commissioned works, have been published on the Arts Council England website.[34] Together these sources have helped to create a clearer picture of the taxonomy of current approaches, which underpin the very recent revival of commissioning and locate it within the context of public arts institutions.

While there are very few complete volumes which examine the commissioning of contemporary works of art. There is one very recent work which addresses many of the topics in this thesis and offers a practical handbook for artists and commissioners, which offers a nuts and bolts guide to various contemporary commissioning practices as well as outlining and drawing together a range of examples of recent commissioned projects both within and out with museum and gallery spaces. This has provided a detailed picture of contemporary commissioning and its strengths and weaknesses as a model. There are

contracts/commissions-responsibilities-1.htm
Henry Lydiate. "Percentage for Art 'Come gather round people Wherever you roam'". In: *Art Monthly (Artquest Online)* (1982). URL: http://www.artquest.org.uk/articles/view/percentage-for-art
Henry Lydiate. "Using written contracts Beware of Artists Bearing Gifts". In: *Art Monthly (Artquest Online)* (1996). URL: http://www.artquest.org.uk/artlaw/contracts/using-written-contracts/beware-artists-bearing-gifts.htm
Henry Lydiate. "Public Art Commissions I and Public Art Commissions II". in: *Art Monthly (Artquest Online)* (2000). URL: http://www.artquest.org.uk/artlaw/contracts/using-written-contracts/public-art-commissions-1.htm
Henry Lydiate. "Basics of Working as an Artist: Management Of Creativity 30 Years On". In: *Art Monthly (Artquest Online)* (2006). URL: http://www.artquest.org.uk/artlaw/ways-working/basics-working-as-an-artist/management-of-creativity-30-years-on.htm
Henry Lydiate. "Public Art Commissions - Good Practice". In: *Art Monthly (Artquest Online)* (2007). URL: http://www.publicartonline.org.uk/resources/practicaladvice/contracts/goodpractice.php, Last accessed: 06/07/2013.

[33] Vivien Lovell. "Commissioning Guidelines". In: *Public Art Online* (2008). URL: http://www.publicartonline.org.uk/resources/practicaladvice/commissioning/modusoperandi_guidelines.php, Last accessed: 21/06/2013.

[34] Arts Council England. *Commissioning Art Works.* Arts Council England: London, 1996
Arts Council England Website. 2011. URL: http://www.artscouncil.org.uk, Last accessed: 21/06/2013.

also a number of recent publications,[35] which focus on commissions for a particular site, context or environment – where the work emerges as a direct response to the site or situation where it is made and has been labelled as such (earning the title 'site-specific' or 'situation-specific' art). There is also existing literature that examines commissions for community-art projects and performance-based works.[36]

However, while some of the existing literature on commissioning pays brief mention to the importance of trust in commissioner-artist relationships, there is yet to be a written work that examines the commissioning of art as a trust-based practice or which investigates the role of trust in business exchanges between commissioners and artists. There is, however, a growing body of literature on issues of trust in institutional and organisational settings. The literature on trust in interpersonal and interorganisational exchange relations has been particularly useful in examining the role that trust plays in museum commissioned art and forms a key component of the methodology for this thesis.

In Chapter Two, I locate contemporary art commissioning in the context of existing literature on trust, drawing on recent sociological and psychological readings of trust as well as those offered by recent organisational management scholars. In particular, I draw on the work of a number scholars who have recently produced publications on how trust functions in the context of different kinds of institutions.[37] They introduce trust as a key part of exchange relations by drawing attention to the benefits trust-based relationships

[35] Louisa Buck. "Market Matters". In: *Arts Council England* (2004). URL: http://www.artscouncil.org.uk/
Louisa Buck. *New funding model behind the British pavilion*. 2009. URL: http://www.theartnewspaper.com/article.asp?id=17446, Last accessed: 06/07/2013.

[36] Judith Rugg and Michele Sedgwick, eds. *Issues in Curating Contemporary Art and Performance*. Intellect Book Ltd., 2007.

[37] Akbar Zaheer, Bill McEvily, and Vincenzo Perrone. "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance". English. In: *Organization Science* 9.2 (1998), pp. 141–159. ISSN: 10477039. URL: http://www.jstor.org/stable/2640350
Diego Gambetta, ed. *Trust: Making and Breaking Cooperative Relations*. Oxford: Basil Blackwell, 1988
Bill McEvily, Vincenzo Perrone and Akbar Zaheer. "Trust as an Organizing Principle". In: *Organization Science* 14.1 (2003), pp. 91–103. URL: http://www.jstor.org/stable/3086036
Dmitry M. Khodyakov. "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra". In: *Social Forces* 86.1 (2007), pp. 1–22. URL: http://www.jstor.org/stable/4495025.

offer in business exchanges. Recent published material on trust has offered numerous examples of how trust reduces opportunistic behaviour by increasing cooperation and collective goal setting,[38] which in turn reinforce strong working relationships by easing negotiations and mitigating risk.[39]

The literature on trust has helped to create a framework for examining contemporary commissioning practices, which are based on the ability of commissioners and artists to work together toward a common goal. Examining commissioning in the context of a broader range of trust-based exchange practices has helped to demonstrate the benefits offered to individuals and organisations who invest in building trust. It has been suggested that high levels of trust in interpersonal and interinstitutional exchanges reduces opportunistic behaviour, which in turn can lead to greater productivity and efficiency as they resolve the need for individuals to implement costly measures to safeguard themselves against opportunism.[40] I argue that investing in trust can be lucrative for public museums and galleries at various levels, but particularly in the context of commissioning practices, where there is risk present.[41]

It is widely accepted by trust scholars that trust mitigates risk in interpersonal and interorganisational exchange.[42] In this sense trust can be seen as a valuable social good

[38]Gambetta, *Trust: Making and Breaking Cooperative Relations*
Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra".

[39]Gareth R. Jones and Jennifer M. George. "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork". In: *The Academy of Management Review* 23.3 (1998), pp. 531–546. URL: http://www.jstor.org/stable/259293.

[40]Kurt T. Dirks and Donald L. Ferrin. "The Role of Trust in Organizational Settings". English. In: *Organization Science* 12.4 (2001), pp. 450–467. ISSN: 10477039. URL: http://www.jstor.org/stable/3085982.

[41]It should be noted that trust is just one component at play within the artworld and while it plays an important part in the practice of art commissioning it is just one of the significant variables that contribute to the functioning of the intricate web of exchange relationships upon which the artworld is built.

[42]Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones. "The Structure of Optimal Trust: Moral and Strategic Implications". In: *The Academy of Management Review* 24.1 (1999), pp. 99–116. URL: http://www.jstor.org/stable/259039
Akbar Zaheer, Bill McEvily and Vincenzo Perrone. "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance". In: *Ogranization Science* 9.2 (1998)

as it supports greater levels of efficiency and success in personal and business exchanges, of which the commissioning of contemporary art is one such example. This is in part due to the important role that trust plays in mitigating risk in such exchanges.[43] As Chapter Two argues, the need for trust arises only in situations where risk is present.[44] There is no existing literature that discusses art commissioning as a trust-based practice, thus it has proved instructive to locate the commissioning of art in the field of trust-based exchange practices, using other examples of trust-based practices as comparative models. Onora O'Neill's series of talks for the Reith Lecture Series on BBC Radio Four, present different examples of the critical role that trust plays in society by exploring some of the fundamental issues that threaten trust at both the individual and institutional level.[45] She argues from both a philosophical as well as a practical stand point that:

> "It isn't only rulers and governments who prize and need trust. Each of us and every profession and every institution needs trust. We need it because we have to be able to rely on others acting as they say that they will, and because we need others to accept that we will act as we say we will."[46]

She argues, however, that society is currently facing "a crisis in trust", which she suggests stems from a growing "culture of suspicion", which has thwarted trust. This has led to the introduction of more rigorous measures of control (such as elaborate: contracts, surveillance and check points), which are implemented to offer protection

Anthony Seldon. *Trust: How we Lost It and How To Get It Back*. Biteback Publishing Ltd.: London, 2009

Dirks and Ferrin, "The Role of Trust in Organizational Settings"

Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork"

Roderick M. Kramer and Tom R. Tyler. *Trust in Organizationions Frontiers of Theory and Research*. Sage Publications, Ltd.: Thousand Oaks, London, 1996.

[43]Niklas Luhmann. *Risk: A Sociological Theory*. Ed. by Translated by: Rhodes Barrett. Walter de Gruyter: Berlin, 1993

Niklas Luhmann. "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)". In: *Trust: Making and Breaking Cooperative Relations*. Ed. by Gambetta Diego. Electronic edition, Department of Sociology, University of Oxford, 2000, pp. 94–107. URL: `http://www.sociology.ox.ac.uk/papers/luhmann94-107.pdf`, Last accessed: 06/07/2013.

[44]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)".

[45]Onora O'Neill. "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'". In: (2002). URL: `http://www.bbc.co.uk/radio4/reith2002/lecture1.shtml`, Last accessed: 06/07/2013.

[46]Ibid.

against deception, to mitigate risk and to guarantee trust. Yet, as there are no infallible measures to guarantee trust, but rather as O'Neill claims, "[o]n the contrary, trust is needed precisely because all guarantees are incomplete" the only true solution to promoting trust is to practice it, by trusting and behaving in a trustworthy manner.[47] Moreover, costly and elaborate measures introduced in order to guarantee against losses and breakdowns in trust, rather than nurturing trust-based relationships, have instead worked against it. This is because, as O'Neill argues, "[w]here we have guarantees or proofs, we don't need to trust."[48]

It is in part the critical role that trust plays in all forms of human exchange,[49] the commissioner-artist relationship being one such example, that has made the commissioning of art a trust-based practice and one which merits examination within this context. This is particularly important in the context of the museum's engagement with commissioning for two primary reasons. Firstly, investing in trust in the commissioning of new work could help to overcome risk and to enhance the likelihood of developing successful projects, and second, since trust is one of the building blocks of a healthy society,[50] by commissioning new work from artists public museums and galleries are actively demonstrating a commitment to supporting such values, not only indirectly in the artworks they present, but directly through their activities and programmes.

By commissioning new work from artists, museums are not only objectively engaging with issues of trust, they are demonstrating an active commitment to investing in trust-based practices. In doing so, public museums and galleries of contemporary art are exercising their role as public institutions with the public good at their heart, and by integrating these trust-based practices into their programming and ethos rather than simply reflecting social practices, they are embedding them and thereby acting as an example of healthy cultural exchange. However, trust is not alone enough to facilitate a sustainable practice of commissioning. A number of other essential factors come into

[47] O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'".
[48] Ibid.
[49] Seldon, *Trust: How we Lost It and How To Get It Back*.
[50] O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'".

play such as commitment, cooperation, reputation, status and competition. These factors are a central part of the artworld and to the production of contemporary art and will be explored together with issues such as risk and trust.

However, as I argue throughout this thesis, risk has been a key factor that has deterred museums and galleries from commissioning new work from artists, and consequently, commissioning is yet to become a mainstream museum practice. It has therefore been necessary to examine perceptions of risk together with trust in the context of museum commissioned art. As noted above, risk and trust are conjoint terms since trust only becomes necessary where risk is present. Therefore, trust cannot be examined in isolation from risk.[51] It has thus proved useful to draw from the significant body of literature on the cultural phenomena of risk of which sociological and psychological readings have been dominant. Patterns of loss and vulnerability have received significant attention from numerous scholars, who have sought to examine individual perceptions of risk and how these change as a consequence of societal and group values.[52] While this thesis argues that trust has an important role to play in easing exchanges between commissioners and artists by mitigating risk, studies have shown that risk also has a significant impact on individual and organisational creativity and consequently organisational success. In the context of museum and gallery work, the relationship between risk and creativity cannot be overlooked. Since, "creativity involves newness and newness involves uncertainty of outcomes, [hence] creativity itself involves risk."[53] The literature on risk has shed new light on the benefits of individual and organisational risk-taking.

[51] Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)".

[52] Stephen Lyng. "Edgework: A Social Psychological Analysis of Voluntary Risk Taking". English. In: *American Journal of Sociology* 95.4 (1990), pp. 851–886. ISSN: 00029602. URL: `http://www.jstor.org/stable/2780644`

Luhmann, *Risk: A Sociological Theory*

Robert M. Wiseman and Philip Bromiley. "Toward a Model of Risk in Declining Organizations: An Empirical Examination of Risk, Performance and Decline". English. In: *Organization Science* 7.5 (1996), pp. 524–543. ISSN: 10477039. URL: `http://www.jstor.org/stable/2635289`

Kathleen J. Tierney. "Toward a Critical Sociology of Risk". English. In: *Sociological Forum* 14.2 (1999), pp. 215–242. ISSN: 08848971. URL: `http://www.jstor.org/stable/684794`

Nicolas Bouleau. *Risk and Meaning Adversaries in Art Science and Philosophy.* English Transaltion: Dené Oglesby and Martin Crossley. Springer, 2011.

[53] Jaafar El-Murad and Douglas C. West. "Risk and Creativity in Advertising". In: *Journal of Marketing Management* 19.5-6 (2003), pp. 657–673, p. 658.

In particular, a number of papers have investigated the importance of risk-taking on innovation in creative organisations, identifying strong correlation between higher levels of risk-taking and creativity and increased performance.[54]

In the case of art museums (and their role as public institutions), engaging in trust-based activities is not only imperative to promoting successful exchanges with artists and demonstrating the importance of trust as a corner stone of a healthy society, but also, very crucially, in relation to the publics they serve. Acting credibly and maintaining the public's trust is central to art museums' vitality and success as civic institutions. Without the public's confidence, interest and support (which are underpinned by trust), public museums and galleries risk becoming obsolete and over time may very well cease to be. James Cuno in his 'Introduction' to *Whose Muse? Art Museums and the Public Trust*, highlights the role of the art museum both as a 'public trust' in its own right as well as in fostering and maintaining the public's trust through its activities. In doing so, he draws attention to the correlation between risk and trust by asking, "why art museums, which are more popular than ever before, are also more at risk and are more vulnerable to public scrutiny than ever before?"[55] With this in mind, it would seem that now more than ever there is a need for art museums to invest in practices that foster public confidence and reinforce their authority as public institutions, which (in particular in the UK) exist, in large part, through public support and for the public good.[56] It is only by maintaining this contract with the public, argues Cuno, through their activities (e.g.: by making decisions about which artworks to collect, who they were made by and how best to interpret them) that museum staff are able to "*inspire*, a greater degree of trust among their visitors, who entrust museum staff with the responsibility to decide

[54] Jane Collier and Rafael Esteban. "Governance in the Participative Organisation: Freedom, Creativity and Ethics". In: *Journal of Business Ethics* 21.2/3 (1999), pp. 173–188
Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising"
Vinit M. Desai. "Constrained Growth: How Experience, Legitimacy, and Age Influence Risk Taking in Organizations". In: *Organization Science* 19.4 (2008), pp. 594–608.

[55] James Cuno, ed. *Whose Muse?* Princeton University Press, Princeton and Oxford, 2004, p. 11.

[56] This is perhaps even more pronounced for public museums and galleries in the UK, which draw their primary support from central and local government by way of public taxes, which sustain their programmes and collections. Therefore, they are seen to have a stronger ethical responsibility to use these resources carefully.

what is and what is not by this or that artist and what is not important to keep in the permanent collection. And it is by placing this trust in museum staff that the public grants the museum its authority as a public institution."[57]

The chapters in this thesis illustrate that while for museums and galleries engaging in trust-based practices (such as the commissioning of contemporary art) is an important part of demonstrating a strong commitment to trust, a failed commission could also present the risk of scrutiny and a loss of public confidence. The risks involved in commissioning have, until recently, underpinned the art museum's reluctance to commission new work from artists.

However, I argue that by investing in trust-based practices like commissioning, public museums and galleries are opening up new opportunities to develop collections through cost-effective acquisitions of commissioned works. In doing so and developing trust-based exchanges with artists, they are not only making a commitment to representing artworks that reflect the issue of trust, but rather they are engaging in social practices that directly demonstrate trust, a key feature of a healthy society and thereby engaging audiences in a more direct dialogue around trust.

While the thesis examines the importance of trust and its counterpoint risk in the context of museum-commissioned art, the commissioning of contemporary art sits within a much wider set of institutional constraints and hierarchies, which directly impact not only the practice of commissioning and collecting new works of art, but also function to guide decisions about which artists, in the first place, are selected for a commission or whose work's are deemed so significant as to subsequently be usurped into a museum or galley collection. Examining the intricacies of the network of individuals that make up the artworld is significant because it enables us to understand the group dynamics that underpin the production of artworks through a commissioning process and the cooperative relationships that make successful exchanges possible. In attempting to do so, first it is necessary to understand the complex network of individuals who make

[57] Cuno, *Whose Muse?*, p. 18.

up the world of art and who enable the production, exchange and dissemination of contemporary art in different settings. In doing so, it has been necessary to draw on the body of existing literature examining the sociology of art and arts institutions, which addresses the various social structures and the memberships which comprise the artworld.

This chapter begins with an investigation into the structure of the web of individuals, or rather the members or agents (actors),[58] who comprise the world of art and make decisions about which artists and artworks to enfranchise and which to dismiss. It will examine who they are and how they have earned their place within the artworld hierarchy, and how they, together with institutions, form a collective group or 'field' that influences the creation, consumption and dissemination of contemporary works of art.[59] This chapter then moves to examine how factors such as reputation, prestige and competition function to structure the artworld and the relationships of the agents who comprise it. Finally, I will outline, drawing on Bourdieu, how these factors, that comprise the 'cultural field' contribute to the production, reception and acquisition of new works of art and in particular how they influence contemporary art commissioning practices.[60]

Literature examining the structure of the artworld and its 'actors' – those individuals who create, direct and reproduce the structures and hierarchies within the field of art production and who make decisions about who is allowed entrance to it and which artworks merit recognition, together with the previously noted literature, informs the

[58]I will use the terms agents and actors interchangeably throughout this thesis, as borrowed from Bourdieu (1993) and Becker (1982), respectively.

[59]Becker refers to this select group as the 'artworld', while Bourdieu introduces the term 'field' to define the group of individuals who are responsible for the production and consumption of art. It is important to note that Bourdieu's definition is significantly more expansive than that introduced by Becker. This distinction between the two readings will be outlined in greater detail later in the chapter.

[60]Pierre Bourdieu (1930-2002), was one of the most influential sociologists of the twentieth century. His work, which spans many fields including sociology, philosophy, economics, politics and art among others, focussed largely on the ways in which society is created and reproduced and how the dominant classes within them retain their positions within the social hierarchy. Much of his work, in particular, *The Field of Cultural Production* (1993) and *Distinction* (1984) discuss the role of culture in the production and reproduction of social structures. Understanding these structures and how they are produced and self-perpetuated is critical to negotiating the landscape of contemporary commissioned art, the artists and the kinds of artworks commissioned.

context of this thesis. This chapter will draw on the work of in particular, Pierre Bourdieu, Arthur Danto, Howard Becker and George Dickie. Their research into the structure and functioning of the artworld has set out many of the terms and concepts central to the sociology of art and arts institutions, which have been applied by subsequent scholars in different fields. This material has helped to explain the roles of artworld actors in structuring and regulating the artworld while simultaneously answering complex philosophical questions about the structure of society as a whole.

Bourdieu alerts us to the idea that only by understanding social processes can we move towards margins of freedom and that it is the responsibility of the scholar of sociology to undo that which has been setup by the ruling order by asking questions about areas of life where dominance has become so complete as to become part of the common sense of society. Bourdieu defines artworld agents as those individuals whose positions structure the 'cultural field', which he defines as the space that is "structured by the distribution of available positions (e.g. consecrated artists vs striving artists, novel vs poetry, art for arts sake vs social art) and by the objective characteristics of the agents occupying them."[61] I adopt Bourdieu's definition of 'agent', however, I go on to draw on Becker's use of the term 'actor', which is more explicit as it refers directly to those individuals and institutions which comprise the field of art, in particular, visual art production. The literature on the sociology of art and the artworld reveals how networks of individuals and relationships, which make up artworld hierarchies, influence factors such as cooperation, reputation and competition and how these are core features of the art commissioning process.

The artworld as a social and economic network has been an area of on-going interest and relevance since the 1960s, drawing the attention of sociologists, philosophers, art historians, theorists, museum studies scholars and economists alike. The term 'artworld' was first introduced by Arthur Danto in an article entitled 'The Artworld', published in 1964, the *Journal of Philosophy*. In this work, Danto puts forward the concept of

[61] Pierre Bourdieu. *The Field of Cultural Production*. Polity Press, Cambridge, 1993, p. 17.

the artworld as a kind of 'agent' or actor in its own right. He qualifies this later in the article by suggesting that the artworld can be equated to an institution, which requires a hierarchy of individuals to govern and sustain it. He claims that these individuals are required in order to distinguish art from things.[62] It is this discrimination, he argues, that makes art possible, or as he suggests, they are the "theories of art, which define it."[63] This line of thought presupposes that artefacts can move from being historical or archaeological 'things' to being classified as works of art subject to the aesthetic tastes of particular groups of individuals. In other words, objects may become artworks as a result of acceptance and enfranchisement by the artworld. This is not dissimilar to Bourdieu's claim that: "The work of art is an object which exists as such only by virtue of the (collective) belief which knows and acknowledges it as a work of art."[64] In other words nothing has intrinsic value, things only assume value through perception – if they are deemed valuable by someone.

Returning to Danto, who in addressing the question of 'what makes a thing an artwork?' suggests that without a framework to tell us so, one can easily mistake an artwork as a thing when the thing is the work of art itself.[65] He gives examples of the artist, Robert Rauschenberg's (1925–2008), *Bed* (1955) and Marcel Duchamp's (1887–1968), *Fountain* (1917), which are in fact artworks comprised of a bed and a urinal, respectively, but have been transformed by the artworld from regular objects to works of art, becoming what Bourdieu has termed 'symbolic objects'.[66] Danto argues that artistic identification separates regular objects from works of art and in this way one is able to distinguish a regular inanimate object from a work of art such as is true of the artworks previously mentioned. This same line of thought distinguishes an ordinary brillo box from artist, Andy Warhol's (1928-1987) work, *Brillo Boxes* (1964). In other words, "it is the theory which takes [things] up into the world of art."[67] By consequence, artists

[62] Arthur Danto. "The Artworld". In: *The Journal of Philosophy* 61.19 (1964), pp. 571–584, p. 572.
[63] Ibid., p. 572.
[64] Bourdieu, *The Field of Cultural Production*, p. 35.
[65] Danto, "The Artworld", p. 575.
[66] Bourdieu, *The Field of Cultural Production*, p. 17.
[67] Danto, "The Artworld", p. 581.

seek to be adopted into the artworld matrix in order that their works be afforded the status of 'art' and this is a key aspect of the artworld hierarchy and its role in influencing the ways in which artworks are made and enter into commercial streams. This process of acceptance or rejection by the artworld has led to competition between agents for acceptance and positioning within the field of artistic production.

These issues at play within the artworld have been discussed at length by different scholars, many of whose views inform the context of this thesis. Bourdieu, gives particular weight to this interplay, arguing that: "In any given field, agents occupying the diverse available positions (or in some cases creating new positions) engage in competition for control of the interests or resources which are specific to the field in question."[68] It is this struggle for distinction within the field, which is made visible by competition among agents to gain rank and prestige (or rather to accrue value), which structures the field, a point I will return to later in the chapter.

The notion of the artworld put forward by Danto was picked up first by George Dickie and then by Howard Becker in their respective works *Art and the Aesthetic: An Institutional Analysis* (1974) and *Art Worlds* (1982), which while adopting similar approaches to their analyses of artworld networks, focus on somewhat different ideas. George Dickie offers a structured breakdown of the constitution of the artworld and the processes which control how art is accepted into this world, arguing that, "a work of art is an artefact of a kind created to be presented to an artworld public" and that "an artworld system is a framework for the presentation of a work of art by an artist to an artworld public."[69] I adopt Dickie's definition of the artworld as it is quite expansive and as such many pieces of art fall under his definition when past theories would not have accepted them as art. This points to how definitions of art and taste can change in accordance with shifts in society, an aspect of the artworld that allows for the acceptance of new art forms and by consequence also for changes in what constitutes a work of art. Becker, on

[68] Bourdieu, *The Field of Cultural Production*, p. 7.

[69] *Introduction to Aesthetics: An Analytic Approach.* Oxford University Press: Oxford and New York, 1997.

the other hand, is not in contradiction with Dickie though his work post-dates Dickie's, he attempts to define what makes up an artworld using a sociological methodology. He claims that artworlds involve collective activities and shared conventions.[70]

Many of these issues were later picked up by the French sociologist, Pierre Bourdieu, in two consecutive works *Distinction: A Social Critique on the Judgement of Taste* and *The Fields of Cultural Production*, published respectively in 1984 and 1993. However, Bourdieu adopted instead the term 'art field' rather than 'artworld', arguing that the term 'artworld' was too narrow, in particular Becker's use of it, which he condemned as being over simplistic. Bourdieu uses the term 'field' as an intellectual construction to understand society. He sees the 'field' as constituting more than just the field of art, but rather as a combination of different fields or more specifically as the "space for the distribution of capital", in which agents compete for the accumulation of capital. In other words, a space in which agents compete in order to valorise their capital and position their capital over that of others.[71] This is put succinctly by Bourdieu, who defines the field as:

> "The system of of distinctive properties by which it can be situated relative to other positions; that every position, even the dominant one, depends for its very existence, and for the determinations it imposes on its occupants, on the other positions constituting the field; and that the structure of the field, i.e. of the space of positions, is nothing other than the structure of the distribution of the capital of specific properties which governs success in the field and the winning of external or specific profits [...] which are at stake in the field."[72]

Bourdieu's definition, differs from that of Becker, in that Becker defines the artworld as characterised by "the activities their participants carry on collectively". In doing so, he tends to differentiate between many different art worlds i.e. those that are contextually oriented in one state or another, although he also acknowledges factors which define all of them, so as to present the idea that one can speak about just

[70] Howard S. Becker. *Art Worlds*. University of California Press, Berkeley, 1982.
[71] Bourdieu, *The Field of Cultural Production*, p. 31.
[72] Ibid., p. 31.

one artworld.[73] It is this characterisation, that has been debated by Bourdieu as overly simplistic. This thesis acknowledges and refers to both terms, as in a sense Bourdieu's definition is so expansive as to encompass that of Becker.

Before outlining the sociological literature on the topic and the differing views that exist within it, it is first necessary to define what the artworld is as well as to address what defines the individuals or institutions that comprise it. Returning to Danto, who defines the artworld as being made up of the theories and histories that distinguish artworks from ordinary objects and the individuals who have earned the right to make such distinctions and therefore to identify art from non-art for the general public, this literature is significant to the claims of this thesis in that it outlines the role of art institutions in selecting and valorising certain kinds of art and discarding others. In other words, it identifies the powerful role that museums and galleries have, as artworld agents, in defining art from non art and on influencing the public's perception of different art forms. In doing so, they are heavily involved in structuring the criteria that valorise certain artists and artworks and subsequently earn them prestige within the artworld. Arts institutions therefore play a central role in defining, along with other artworld agents, the limits of the artworld or what Bourdieu, terms 'the field of cultural production'. The literature in this area merits attention in the context of museums and commissioned art as it is the artworld and the network of individuals who, not only make decisions about the value of particular artists and their works, but also who dictate the level of support available for different processes of artistic production, such as the commissioning of new art. In particular, Bourdieu explains this well, arguing that:

> "Given that works of art exist as symbolic objects only if they are known and recognized, that is, socially instituted as works of art and received by spectators capable of knowing and recognizing them as such, the sociology of art and literature has to take as its object not only the material production but also the symbolic production of the work, i.e. the production of the value of the work, which amounts to the same thing, belief in the value of

[73] Hans van Maanen. *How To Study Art Worlds: On the Societal Functioning of Aesthetic Values.* Amsterdam University Press, 2009, p. 33.

> the work. It therefore has to consider as contributing to production not only the direct producers of the work in its materiality (artist, writer, etc.) but also the producers of the meaning and value of the work – critics, publishers, gallery directors and the whole set of agents whose combined efforts produce consumers capable of knowing and recognizing the work of art as such."[74]

Arts institutions, in acting as one of the central taste-makers in the artworld, uphold their reputations by perpetuating the art that they valorise and by doing so they perpetuate their own authority through belief (or trust) in this role. In other words, by fostering perceptions of value in their authority. This cements their influence within the artworld and in turn over the public's perception and understanding of art in general. This idea reverts back to Bourdieu's claim that an agent's reputation or prestige is underpinned by the subjective perception and belief of the field, which is both self-created and self-sustained by the field. This relates to the fact that in order to have value within the artworld, museums and galleries, like other artworld agents must be perceived as valuable and they do this by maintaining the public's trust through their perceived knowledge and judgement of the art they commission, exhibit and collect. In other words, it is reasonable to assume that the public's taste in art is, to an extent, institution-led since what is popular within the artworld becomes so, in part, as a consequence of the way in which it is structured and decisions are made by artworld agents, e.g. the decision to accept certain forms of art and not others.[75] This becomes critical to an investigation of newly commissioned art since, to an extent, this suggests that among other art forms, subversive art, or art that is newly made, may only become popularised and mainstream once artworld agents (arts institutions and collectors) usurp it and brand it with their seal of approval. This suggests that arts institutions both create and perpetuate art and afford it value.[76]

[74] Bourdieu, *The Field of Cultural Production*, p. 37.

[75] Becker, *Art Worlds*
Pierre Bourdieu. *Distinction: A Social Critique on the Judgement of Taste*. Harvard University Press, 1984.

[76] Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*
Bourdieu, *The Field of Cultural Production*
Becker, *Art Worlds*
Howard S. Becker. "Art Worlds Revisited". In: *Sociological Forum* 5.3 (1990), pp. 497–502

If one adopts Bourdieu's argument that cultural taste (our predisposition towards certain things, the accumulation of which result in one's level of 'cultural capital') is largely dictated by our exposure to certain things then the role of arts institutions and to a lesser extent the other artworld agents in influencing the public's perception of art becomes imperative in defining taste since the museum's decisions about the artists and artworks it selects for commission, exhibition and collection, become crucial to the public's collective experience, understanding and enjoyment of certain kinds of art and not of others. Bourdieu draws attention to this, writing that:

> "To the socially recognized hierarchy of the arts, and within each of them, of genres, schools or periods, corresponds a social hierarchy of the consumers. This predisposes tastes to function as markers of 'class'. The manner in which culture has been acquired lives on in the manner of using it: the importance attached to manners can be understood once it is seen that it is these imponderables of practice which distinguish the different-and-ranked-modes of culture acquisition, early or late, domestic or scholastic, and the classes of individuals which they characterize (such as 'pedants' and mondains)."[77]

It is logical to suppose that this struggle to maintain authority by retaining a perception of value in the eyes of the public, and the possibility of loosing that authority as a consequence of public scrutiny and distrust has led the museum to be wary of being too radical and this has earned arts institutions the label of being risk-averse. Commissioning processes, which require an investment in an unknown artwork, carry a greater risk of scrutiny in that they involve an investment in an artwork that is yet to be seen, interpreted and judged. Arts institutions have by and large remained geared towards a certain kind of established aesthetic.[78] Seeing that the structure of the artworld, as Becker points out, is still largely supported by the state, arts institutions possess both a powerful position in relation to the production of art, but also a significant responsibility. Becker identifies the state as one of the central agents in the artworld, arguing that,

Marx W. Wartofsky. "Art, Artworlds and Ideology". In: *The Journal of Aesthetics and Art Criticism* 38.3 (1980), pp. 239–247.

[77]Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*, p. 1-2.

[78]Bourdieu, *The Field of Cultural Production*.

in the case of the state, whose support remains one of the greatest sources of support for the artist, as in many cases the state still provides the largest streams of budget for the production and acquisition of new works of art, it therefore, plays a central role in establishing and maintaining public taste in art.[79] He writes that:

> "Governments may regard arts some or all as an important part of the nation's identity. As a positive and mobilizing force that supports social order and pushes forward the nation's goals. This means preserving in museums what has already been done."[80]

Becker goes on to suggest that different state governments create taste by controlling exposure to certain kinds of art to a varying degree. In the most radical cases, such as in the instance of governments run by dictators, leaders may sensor or prevent the making of any work of art that can be seen to criticise or obstruct their political aims. He argues that:

> "Since artists can buy much of what they need if they have money, the state can influence the work they do by making funds available for some kinds of work but not for others. The state can also influence other things artists need. Access to distribution channels may be controlled by private persons or organizations. By art dealers, magazine editors or tv network executives but the state may intervene by forbidding those people to distribute works, kinds of works or works by particular artists."[81]

Here, Becker identifies the powerful role that the state plays in the creation and distribution of new art and this is of course of particular importance to the making of new art through a commissioning process since in countries like the UK the government still provides the primary stream of funding for arts institutions seeking to commission, exhibit or acquire an artwork. Becker describes how, "when the government sees artistic activities as supporting national interests it provides financial support, which otherwise

[79]Becker, *Art Worlds*, p. 182.
[80]Ibid., p. 182.
[81]Ibid., p. 182.

would come from elsewhere or not be available."[82] Thus, in the case of the commissioning of contemporary art, more so than with the acquisition of existing artworks, the level of control the state possesses over which artists and kinds of works get commissioned is significant, since the state can not only prevent certain works from being distributed, but also from being made. It is therefore, as Becker points out, that, in this sense, "all artists depend on the state and their work embodies that dependence."[83]

This suggests that participation in and acceptance by the artworld involves a level of censorship as it involves a degree of conformism in acknowledging the parameters put forth by the artworld, thus requiring a degree of conformism on the part of the artist. This is particularly true in the context of commissioned art, since all commissioned art involves some form of sponsorship, whether from the state or an alternative funding source. The artist in accepting a commission, is giving up his or her complete autonomy in exchange for economic support and the prestige gained by making a work in this context and to a greater or lesser degree must conform to a certain set of parameters or contractual clauses. A detailed discussion of this will follow in Chapter Two drawing on the work of Touboul (2006). Becker acknowledges this, writing that: "More artists adapt to what existing institutions can handle. By accommodating their conceptions to available resources, conventional artists accept the constraints arising from their dependence on the cooperation of members of the existing cooperative network."[84]

While I agree that participation within the artworld and to a greater degree the choice to make art through a commissioning process involves the artist forfeiting total autonomy in the making of his or her work, the idea that all art undergoes a form of censorship based on its origins within the field seems somewhat cynical in the context of the artworld of today (twenty-first century) as now more than ever before established artists exercise a great deal of power and autonomy in the making of their works, examples of which will be outlined in Chapters Three and Four of this thesis. It, nonetheless,

[82]Becker, *Art Worlds*, p. 182.
[83]Ibid., p. 191.
[84]Ibid., p. 28.

can be inferred that total artistic autonomy and subsequently freedom from conformism requires some form of objective financial backing – be it the ability to self-finance, which would enable the artist to create without limitations.[85] However, as Becker points out, relatively few artists are capable of this. It is not implausible to suppose that with the struggle for acceptance and a position within the artworld and the prestige that results from this comes as a result of a willingness to not only participate, but also to an extent to conform to the structures defined by the field of art production. This can be said to lead to a kind of aesthetic repetition or a particular trend towards the making and consumption of a particular form of art until that trend is broken by a new art form (or 'Maverick' artist) that breaks away from the former tradition. This will be discussed in the following section.[86]

The Structure of the Artworld

There is a vast amount of literature that pertains to the artworld and the structures and hierarchies at play within it. This literature informs the study of contemporary commissioned art by offering new insights into how the artworld and the ability of artworld agents to cooperate and trust each other can function in relation to the production, dissemination and consumption of new art forms. It also acknowledges the role of the artworld and of the agents who make it up in creating and sustaining the value of certain kinds of artworks (and artists) and not others. It is this network, rather than any individual, which manifests in the creation of an art object.[87] Becker puts this well, arguing that:

[85]Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*
Bourdieu, *The Field of Cultural Production*
Becker, *Art Worlds*
Becker, "Art Worlds Revisited".
[86]Becker, *Art Worlds*.
[87]Becker, *Art Worlds*
Bourdieu, *The Field of Cultural Production*.

> "All artistic work, like all human activity, involves the joint activity of a number, often a large number, of people. Through their cooperation, the artwork we eventually see or hear comes to be and continues to be. The work always shows signs of that cooperation. The forms of cooperation may be ephemeral, but often become more or less routine, producing patterns of collective activity we can call an art world."[88]

An art object as such can only exist within a social space (the artworld) and this is ever more pronounced in the context of contemporary commissioned art, which by definition involves at a minimum a collaboration between an artist and a commissioner. In Howard Becker's 1982 work *Art Worlds*, he defines the artworld as "the network of people whose cooperative activity organised via their joint knowledge of conventional means of doing things, produces the kind of artworks that the artworld is noted for."[89] In this work Becker focuses on the various networks of cooperative behaviour that allow the realisation of a work of art. He defines the 'artworld' as the network of people who, together, produce and consume art. This suggests that art, and for the purposes of this thesis, contemporary commissioned art, exists as a consequence of the collective effort of a network of individuals, not just the artist him or herself. Becker notes that: "There is the artist and then there are all the other supporting personnel. If everyone of the actors contributing to the finished artwork does not do his part the work will come out differently."[90] With this assumption, he criticises the traditionalist theory of art, which looks at the artist and the artwork rather than the network of cooperation between individuals, as central to the analysis of art as a social phenomenon. On the other hand, Becker also argues that art is the product of an intricate and very tightly controlled network of individuals, and in doing so, his work investigates existing networks of cooperation that enable the production of new art and how together these networks affect the form and content of the artworks produced. On this topic, Becker, argues that: "If we focus on a specific art work, we can usefully think of social organization as the network of people who cooperate to produce that work. It shows that art is social in

[88]Becker, *Art Worlds*, p. 1.
[89]Ibid., p. x.
[90]Ibid., p. x.

being created by networks of people acting together."[91] This definition, he claims, sets his argument apart from earlier dominant traditions in the sociology of art. He goes on to write that:

> "This approach seems to stand in direct contradiction to the dominant tradition in the sociology of art, which defines art as something more special, in which creativity comes to the surface and the essential character of the society expresses itself, especially in great works of genius. The dominant tradition takes the artist and art work, rather than the network of cooperation, as central to the analysis of art as a social phenomenon."[92]

Becker outlines some of the aspects that are required in order to create an artwork, demonstrating the reasons, from the concept underpinning the work to the resources and skilled professionals required to aid in its production. He asserts that the creation of a work of art is a shared under-taking rather than an individual one. However, Becker does not limit this assumption to any specific practice such as fine art, craft, public art, museum art, commissioned art or any other, but rather that networks of cooperation are responsible for the realisation of all art that exists within the artworld. This bears importance to art commissioning processes, which are a result of negotiations and exchange-based relationships. Here too, the issue of trust becomes essential since it underpins the perceptions of authority and value that give structure to the artworld and also because it is a primary factor in the cooperative relationships which enable social exchanges, as we see in Chapter Two, and consequently to the perpetuation and functioning of any artworld network.

Becker draws on examples of large-budget artist-films, suggesting that they are the product of "each activity [being] done by a separate person, who does nothing but that one operation."[93] The reverse of which would be, the other extreme, if "one person did everything, made everything, invented everything, had all the ideas, performed or executed the work without the assistance and help of anyone else. A highly unlikely scenario

[91] Becker, *Art Worlds*, p. 369.
[92] Ibid., p. xi.
[93] Ibid., p. 15.

in the current artworld climate, one can imagine if this were the case that very few filmworks would ever be made."[94] A host of different resources and skilled professionals are required in the development of such artworks. However, he also acknowledges that while there are variations in the number of professionals and the scope of resources required in the creation of a given work, the way a work of art is produced bears no necessary relationship to its value.[95] This claim is further supported by Bourdieu, who writes that, "it is all too obvious that the price of a picture is not determined by the sum of the production costs – the raw material and the painter's labour time". Yet, in the case of the commissioning of contemporary art, which, as this thesis argues, is a collaborative creative process and one which often involves both numerous skilled professionals and resources beyond those supplied by the artist, the outcome of a work depends greatly on the cooperative efforts of those involved. Becker, affirms this, noting that:

> "Artists thus rely on manufacturers for stretching canvases, on curators for exhibition spaces and financial support, on critics for rationale for what they do, on the state for patronage and even policies that incentivise patrons to buy works and donate them to the public, due to tax reductions. On members of the public to respond to the works emotionally and for the painters of the past who created the tradition which creates a back drop for their work."[96]

Becker defines this cooperative network (the artworld) as made up of different actors who he describes as those agents that together enable an artwork to come into being. This, he claims, involves the organisation and cooperation of all the agents, who together make up the artworld network. Arts institutions are central to this process of consecration and to how art has long been made, acquired and exhibited publicly as well as being key generators of the commerce around art. This involves people who conceive the idea for the work, people who execute it, people who provide the necessary material and the people who make up the audience.[97] Although, the traditional theory of the sociology of art identifies the artist as being the central agent in the making of an artwork,

[94]Becker, *Art Worlds*, p. 15.
[95]Ibid., p. 3.
[96]Ibid., p. 3.
[97]Ibid.

I argue, in agreement with Becker, that more so than in the past, contemporary art is a joint affair and that the realisation of an artwork, especially in a commissioning process relies on the cooperation of a network of agents, the success of which is determined by the degree to which they are able to work together, and through their joint investments in a common goal, create a new work of art.

Bourdieu is more cynical than Becker with regard to the collective nature of cultural production, since Becker does not place the same emphasis on distinctions between high art and populist art. Instead, he talks about distinctions between fine art and folk art or naive art. Conversely, Bourdieu is disenchanted by the artworld in the same way German sociologist and philosopher, Max Weber was with the world of religion.[98] While Weber discusses prestige, Bourdieu examines notions of 'symbolic power'.[99] Bourdieu introduces instead the idea that life (like 'things'), as previously noted, have no intrinsic meaning and that agents accumulate meaning by how much they invest themselves in life. 'Symbolic capital' accounts for the amount of recognition gained by this investment and how much an agent accumulates. However, the positioning of different agents relative to eachother within the cultural space and each agent's original holdings or rather the quantity of each individual's origins of 'capital' are not evenly distributed. Some individuals inherit capital and have a lot of capital by consequence, others begin with very little and by consequence must work very hard to attain any capital whatsoever. These are significant features at play within the artworld as the amount of 'symbolic power' and prestige an agent has and the struggle of different agents to compete for and maintain their positions, makes up the hierarchy of power upon which the artworld is based. This is put plainly by Bourdieu, who writes that the,

> "artistic field is a *field of forces*, but it is also a *field of struggles* tending to transform or conserve this field of forces. The network of objective relations between positions subtends and orients the strategies which the occupants of the different positions (i.e. their position-takings), strategies which depend

[98] Bridgette Fowler. "Interview: Notes on Bourdieu and The Field of Cultural Production (1993)". 2015.

[99] Bourdieu, *The Field of Cultural Production*.

> for their force and form on the position each agent occupies in the power relations [*rapports de force*]."[100]

As I argue in Chapter Two, the ability of artworld agents to maintain their authority and value by being perceived as deserving of these positions, which in part they achieve by behaving accountably in the eyes of the public, is what sustains the hierarchy at play within the artworld and therefore the artworld itself. It becomes clear that the need for belief and trust is essential not only to the relationships that make-up the artworld, such as the commissioner-artist relationship, but it is also a key factor in the constitution and functioning of the artworld as without it there would be no artworks or field of art production to realise them.

At one remove from this focus on the struggle to maintain rank and accrue value is the notion of the gift economy. In *The Field of Cultural Production*, Bourdieu engages with a discussion on the sociology of the gift economy, incorporating French sociologist, Marcel Mauss' view, from his 1925 work, *The Gift*, that human transactions in society are not only based on economic exchanges, but rather can often take the shape of a gift, where an agent gifts something to someone without receiving any immediate return for this. Bourdieu makes clear, however, that there is no 'free gift' and that with every gift or service given, there is the expectation of equal reciprocation in the form of a return, be it, at some later undetermined future time.[101] Gifts are not limited to things alone, but can also be services. This idea ties in with Bourdieu's notion of 'social capital', which is premised on the idea that in the context of the field of cultural space and the agent's strivings to accumulate 'capital', the agent's social alliances (his or her relationships) help him or her to be efficient and thereby to accrue more capital. This is central to the artworld and the context of contemporary art commissioning for two primary reasons. Firstly, because, as previously noted, commissioned artworks are the result of a collaboration between different agents within the space of the artworld and therefore social capital plays an important role in the production of new works of art and in the

[100] Bourdieu, *The Field of Cultural Production*, p. 30.
[101] Fowler, "Interview: Notes on Bourdieu and The Field of Cultural Production (1993)".

accumulation of capital that may result. Secondly, in relation to the gift economy, it is important to mention that even in the case of a gift, there is the expectation of some kind of return, whether that be a return in actual capital (economic) or a symbolic return in the way of improved reputation or the prestige associated with giving (which may indirectly equate to a return of capital).

In her article, 'Contemporary Art Markets: Structure and Actors: A Study of Art Galleries in Finland, Sweden, France and Great Britain', Annukka Jyrama describes the field of contemporary art in four distinct nations, Finland, Sweden, France and Great Britain, in order to shed new light on particular characteristics of the art market and how the nature of the field impacts the behaviour of different artworld actors. In doing so, she suggests that the production of art is made possible only by the interaction between artworld actors. In other words art is a product of the artworld network in which it is produced. Drawing from international comparisons, this study plots common similarities between different artworlds in different parts of Europe while acknowledging how the size and degree of maturity of each can affect the structure and roles of the actors within it.[102] She argues that, "'the art field is a social phenomenon' and that the artwork is, to an extent, a result of this human experience."[103]

Jyrama offers a sociological reading of different art markets, examining the various networks and institutions that make up the field of contemporary art, by invetigating art markets in different European nations. In doing so, she investigates the characteristics of different art markets and how the behaviour of the actors that comprise them contribute to shaping of different artworlds, which together form the field of art. She plots common characteristics of the art markets of the four different nations included in the study, identifying how factors such as the size and degree of maturity of a market can impact

[102]While Jyrama uses the terms art market and art field quite interchangeably, she does recognise them as distinct. Noting that: "The concept of field is broader than that of market or industry, since it includes non-commercial actors. Whereas a market or industry is limited to commercial actors working within the same business, the actors within an organizational field are engaged in shared activities."(Annukka Jyrama. "Contemporary Art Markets –Structure and Actors: A Study of Art Galleries in Finland". In: *International Journal of Arts Management* 4.2 [2002], pp. 50–65, p. 51)

[103]Ibid., p. 50.

the structure and the roles of actors within that market. The art field, she argues, is a 'social phenomenon' and the artwork is a consequence of human experience and collaboration in the creation of something. Like Becker (1982) and Bourdieu (1984), she draws on the institutional theory of 'field' and 'subfield'. In this paper she distinguishes between them, noting that actors within a field tend to be fairly homogenous in that they regularly share activities, values, norms and beliefs while actors within a subfield demonstrate similar tastes and behaviours. Both Bourdieu and Becker argue that any market or field is made up of actors. However, Jyrama sees Becker's interpretation as too broad, suggesting that "almost any activity could be perceived as contributing to artistic creation."[104] While Becker and Bourdieu claim an actor is a product of a social context, Jyrama is more specific, suggesting that actors can be both institutions and individuals.

Jyrama's study reveals structures and patterns present within the field of contemporary art by analysing different markets, in doing so her work draws attention to similarities and differences between them. Jyrama argues that because the international art market is small and identifiable the entire market can be studied on an international scale. Art markets have a network structure, which is based on relationships.[105] She concludes that art markets are often focussed around a focal net, which is a small network, that relies on regular contact between actors and one where relationships are strong.

Jyrama's study also shows how respective art markets in each of the four researched countries have certain similarities. For example, she found that all of the markets researched in her study were hierarchically structured and reputation and prestige played a key part in the formation of elite galleries and artists in all four contexts. International comparisons reveal a similar structure within each national market.[106] While in Finland no distinct subfields could be distinguished, in Sweden, France and the UK the art field was divided into subfields based on genre, age and taste. She concluded that the

[104] Jyrama, "Contemporary Art Markets –Structure and Actors: A Study of Art Galleries in Finland", p. 52.
[105] Ibid., p. 55.
[106] Ibid., p. 57.

presence of subfields was subject to the size of the market. In Finland the art market is relatively small and nearly non-existent outside of the capital city of Helsinki and this, Jyrama suggests, likely contributes to the lack of subfields identified there. She also argues that the size and maturity of an art market impacts the role of institutional actors within it, claiming that: "As a market *matures*, the role of institutional actors diminishes. The market itself takes on the role of legitimizing its actors, whereas in less mature markets (Finland) legitimization and reputation are granted by institutional actors such as museum directors or art critics."[107] In other words, in younger markets artworld actors have a more prominent role in selecting and enfranchising works of art and determining a museum's reputation, whereas in more mature markets the activities of institutions themselves determine this. This is particularly important when investigating the commissioning of contemporary art in different contexts especially when assessing how commissioned projects and the relationships between commissioners and artists vary not only between long-established markets and younger, less mature markets for contemporary art, but also between established institutions and those with a less established public profile.

Jyrama describes the relevant actors within the artworld as: artists, galleries, private collectors, critics, art schools, art fairs, museums and other institutions. However, she suggests that the borders between actors' roles have become increasingly blurred.[108] She goes on to claim that activities within the art market revolve around personal relationships, though individual roles are still very important. She argues that the definition of actor must be kept as broad as possible to include actors of different types, writing that "individuals, institutions, groups – we might define actor as a unit of activity which follows but also changes the rules, values or beliefs within a field."[109] This claim adds further support to the key themes presented in this chapter and the central view of the thesis as a whole, which argues that the production of contemporary art, in

[107] Jyrama, "Contemporary Art Markets –Structure and Actors: A Study of Art Galleries in Finland", p. 60.
[108] Ibid., p. 58-59.
[109] Ibid., p. 60.

particular that which is realised through a commissioning process, is not a product of a single individual, but rather a network of individuals, whose collective investments vis-a-vis their cooperative relationships result in a finished work of art. Jyrama goes on to propose that national markets are so similar we can see them as an international contemporary art field, which shares activities, values and beliefs.[110] These shared values can influence business and other practices within a field. These characteristics of the field affect the structure and roles of actors within it.

In a similar thread, Wartofsky argues, in agreement with Becker, that the artworld is a 'self-constituting' entity. It is this entity, comprised by those who make up the artworld, which ascribes a piece of art as an 'artwork'.[111] This position is synonymous with the institutional theory, which suggests that an individual does not decide for his or herself what art is, he or she relies on others to tell him or her this is so. In other words, it is collective perception or belief that position things and gives them value. Wartofsky claims that artworks are artefacts, but that artefacts need to be "made in some deliberate, even self-conscious creation, then, in order to be artefacts at all, rather than accidents or natural objects"[112] and that "art, like language, or science, or value, is a socially constituted and socially defined affair."[113] Wartofsky goes on to argue that art is what is taken to be art by those in the artworld. Stating that "the artworld is ideological because it institutionalises the status quo as being what-ever the artworld declares it to be. It affords no space for aliens and no leverage for criticism from without."[114] The critic must be of the artworld, that is in the artworld in order to be effective and to be in the dialogue about art at all.

In this sense, he argues that the artworld is self-generated and self-perpetuated by those within its inner circle. Thus, the institutional theory, argues Wartofsky, makes

[110] Jyrama, "Contemporary Art Markets –Structure and Actors: A Study of Art Galleries in Finland", p. 60.
[111] Wartofsky, "Art, Artworlds and Ideology", p. 241.
[112] Ibid., p. 239.
[113] Ibid., p. 239.
[114] Ibid., p. 242.

the artworld uncriticiseable as in these ways it elevates whatever it asserts to be art.[115] Wartofsky also indicates an inner circle, which governs and distinguishes art from non-art and supports only the production of art and those artists identified as being acceptable and worthy of recognition. He suggests that "the authority of tradition, of the academy, of the gallery owner, the jury of the buyer and of the buyers' agents become a social as well as an aesthetic authority in the life of the artist. In order for an artist's work to exist in the art market it has to be acceptable as a candidate for exchange – for sale it has to be a commodity."[116] In other words, the artworld is the group of individuals who define status.

Wartofsky goes on to describe the make-up of the artworld, which he defines as, "those individuals who confer status upon things as art".[117] In doing so, they have the power to enfranchise something as a work of art. One becomes a member of the artworld by engaging in these activities, conferring upon oneself the status of being a member. Thus, it is a self-constituting membership. Artworks must be 'intentional', deliberately created by someone in some medium against the background of the artworld rather than accident or nature. He argues that the artworld and its actors are vague be they ever changing – the artworld consists of artists, museums and museum audiences, but these variables are mobile.[118] As Wartofsky argues: "Before there were museums, there were no museum-goers, and therefore the artworld was differently populated, even with respect to its variable values, than it is now."[119] So this suggests, on the one hand, that the artworld has changed with time and will continue to do so in the future subject to changes that occur within the field of art and at the same time, art is whatever the artworld declares it to be.[120]

[115]Wartofsky, "Art, Artworlds and Ideology".
[116]Ibid., p. 242.
[117]Ibid., p. 239.
[118]Ibid., p. 239.
[119]Ibid., p. 240.
[120]Ibid., p. 241.

In this sense, the institutional theory makes the artworld uncriticisable. The institutional theory is instructive as it outlines how status is formed and this is central to an investigation of contemporary art commissioning because it sets the backdrop for the criteria used by arts institutions for selecting artists for a commission.[121] Wartofsky agrees with the institutional theory, which identifies the artworld and artists as those who define status. I argue in accordance with this claim as the commissioners of art can, in particular, be seen to be those who influence and create status by investing in particular artists and in as of yet unmade artworks. He identifies changes in the art market and consequently the artworld, claiming that, "to be accepted the artist's work must be accepted as a candidate for exchange."[122] The artworld actors play a critical role in engineering status and the art market provides the conditions for this.[123] The institutional theory is about the problem of the negotiation of status in contemporary art.[124] This is particularly important to understanding how the network of agents at play within the artworld are responsible for the commissioning of new works of art since it is these relationships that condition the artworld and which allow for the commissioning of new works of art and for their acquisition.

Wartofsky goes on to question whether the institutional theory of art is a capitalist theory and suggests that:

> "Beginning in the 17th Century the artwork begins to become a commodity produced not for a patron or the church but for a market. The work is no longer defined by commissions, but in a wider and riskier way, as a product for prospective sale to a new class of buyers, through the intermediaries who act either as agents for the artists or for the buyers of art. Thus the gallery or the salon develops as a marketplace - the locus or start of a new social formation of the artworld."[125]

[121]Wartofsky, "Art, Artworlds and Ideology", p. 242.
[122]Ibid., p. 245.
[123]Ibid., p. 247.
[124]Ibid., p. 247.
[125]Ibid., p. 245.

This idea will be revisited in the following chapter in relation to the different historical genres of art commissioning. Wartofsky further claims that: "In contrast to the older artworld of patronage and official art – the new world makes the artist an outsider whose entry is mediated by the art-market place."[126]

Like Wartofsky, in their article 'Disentangling the Paradoxical Alliances between Art Market and artworld', Annamma Joy and John F. Sherry, Jr. examine the relationships between art and the market through the actions of contemporary artists, art critics, writers, galleries and auction houses. Looking at the art market allows for an evaluation of the artworld. In this paper Joy and Sherry discuss how artists gain prestige and how commercial intermediaries further develop the market by promoting artists on the basis of newness, originality and authorship.[127] In doing so, they discuss how Pop Art and Postmodern Art have bridged the gap between fine art and commercial art, broadening the scope of what constitutes a work of art.[128] This paper also discusses how the news drives innovations in all spheres of life, including the art market and artworld, arguing that art and artworld agents should not be limited to the market itself. Joy and Sherry claim that, "the art market is one of many discourses in the artworld, and in so far as it indexes the changing value of artworks, it plays a fundamental role in society."[129]

The creation and consumption of artworks has moved away from the cultural elite to a focus on audience. Joy and Sherry focus on the art market in the US and examine the workings of the artworld and the art market during modernity and postmodernity in order to show how art has conflated with the market. They argue that, while artist's work primarily to satisfy themselves they simultaneously seek enfranchisement and publicity for their works, writing that:

> "There are a number of activities taken by artists, dealers and museums that catapult an artist from an unknown status to that of a celebrity. A gallery

[126] Wartofsky, "Art, Artworlds and Ideology", p. 245.
[127] Annamma Joy and John F. Sherry Jr. "Disentangling the Paradoxical Alliances between Art Market and Art World". In: *Consumption, Markets and Culture* 6.3 (2003), pp. 155–181, p. 155.
[128] Ibid., p. 156.
[129] Ibid., p. 157.

> shows the artist's work and places it with specific collectors. Exhibits are held either in well-established commercial or parallel galleries, and artworks are placed with more collectors and, perhaps, in museums. The dealer's activities achieve recognition for the artwork and gain reputation for the artist with reviews. Shows in established venues, such as museums or state-run galleries that require professional curators, enjoy a high standing and offer great opportunities for official recognition. National or international awards buttress the road to fame. The artist whose work fits with the chosen trend of the curator or art critic garners more attention."[130]

This adds further support for the argument that it is a network of individuals, whose collective efforts together create the space in which artworks are made. Artists rely on other artworld actors for support and recognition in order to create, legitimise, exhibit, disseminate and educate the public about their work. Like Bourdieu and Becker, Joy and Sherry examine how artists in their struggle for recognition and enfranchisement within the artworld often do so by challenging the status quo and breaking away from that which came before, thus providing them with status as the new *avant garde* and drawing more attention to their art. They outline how timing is critical in relation to the up-and-coming artists' attempts to break away from the previous genre of art by criticising the previous generation of art.

Further to this, in addressing the question, 'what is art?', philosopher, George Dickie draws on many of the claims previously mentioned about the structure of the artworld, focusing on the context in which particular artworks are embedded and sanctified by arts institutions. Borrowing from Danto, he argues that 'the institution' is the artworld, which he suggests consists of: creators, presenters and appreciators, who are surrounded by critics, theorists and philosophers of art. Dickie first identifies these actors and then outlines their roles and some of the resources that are required to produce new works of art. All of these, he claims, come together to create the unified 'institution', which he terms 'the artworld'. Art becomes such by acquiring status within the

[130] Joy and Jr., "Disentangling the Paradoxical Alliances between Art Market and Art World", p. 158.

artworld and through the collective activities of the actors who comprise it.[131] Duchamp, for example, is exemplified as giving status to his work by declaring his readymades 'non art'[132] and because he already had status and prestige within the artworld they were accepted and acknowledged as works of art. Being a member of the artworld involves wielding a certain amount of power over art.[133]

Dickie argues that the artworld is a kind of institution in its own right,[134] while others, such as Jeffrey Wieand describe the artworld as a group or community of elite with shared interests and involvements.[135] Dickie adopts sociologist, Joel Rudinow's argument that the artworld is a fellowship of discourse, i.e. a group of people who in certain circumstances talk only to each other and exclude everyone else.[136] He applies this notion to the artworld. A fellowship of discourse is a group composed of people who share some specialised interest.[137] In Wiend's article, Rudinow introduces Duchamp as an example, claiming that it was Duchamp who exposed the artworld as a fraud by showing that anyone can be an artist and that the artist is of no great importance within the modern world of art. Dickie writes: "The artworld is a very big and diverse world indeed. More so than any fellowship of discourse possibly could be."[138] I agree with Dickie's reading of the artworld, presented here, that the artworld has become so expansive as to far exceed the parameters of any fellowship of discourse.

Similarly to Dickie, Hilde Hein argues in her paper, 'Institutional Blessing: the Museum as Canon-Maker', that museums play a key role in constituting the artworld – populating it with individuals and assigning them value. As such, she argues that, museums are implicated in the creation and dissemination of cultural canons.[139] Hein suggests

[131] George Dickie. "What is Anti-Art?" In: *The Journal of Aesthetics and Art Criticism* 33.4 (1975), pp. 419–421, p. 419.
[132] Ibid., p. 421.
[133] Ibid., p. 152.
[134] Ibid., p. 152.
[135] Jeffrey Wieand. "Duchamp and the Artworld". In: *Critical Inquiry* 8.1 (1981), pp. 151–157.
[136] Dickie, "What is Anti-Art?", p. 153.
[137] Ibid., p. 153.
[138] Ibid., p. 155.
[139] Hilde Hein. "Institutional Blessing: The Museum as Canon-Maker". In: *The Monist* 76.4 (1993), pp. 556–573.

that canonisation is a performative act.[140] However, different from Dickie, Becker and Bourdieu, Hein focuses on the art museum in particular, suggesting that objects can be "reborn into the artworld as works of art by virtue of their placement in an art museum."[141] Museums as canon-makers are required to be more conservative, while experimentation is left to the galleries.[142] Museums, in doing so, make an 'alchemical' transformation of their contents possible and by doing so are powerful players within the artworld hierarchy.[143,144] In this sense art museums, incentivise artists either "to create art that preserves canonic history by perpetuating it or by dissent from it."[145] In doing so, argues Hein, art museums "preside over art history and taste in art."[146] It is here that museums have a responsibility to the publics they serve since in order to maintain their positions they must perpetuate their authority as "gatekeepers of art as well as of creators of artistic taste."[147] It is this fact that is cause for the level of caution exercised by museums seeking to commission a new work of art for their collection – the impact that a failed commission could have on their abilities to maintain their authority and by consequence their positions within the artworld hierarchy. However, it is not strictly with the public in mind that the museum's activities become important, but rather also as Hein points out:

> "Art museums have a vested interest in the perpetuation of such a world, if only to save their own world. Their function in that world is politically, rather than ontologically conservative – to reproduce existing class structure and legitimate social differences. By glorifying artworks as uniquely stable bearers of aesthetic value, museums justify their own institutional status along with that of the social order that maintains them."[148]

[140]Hein, "Institutional Blessing: The Museum as Canon-Maker".
[141]Ibid., p. 557.
[142]Ibid.
[143]Ibid., p. 559.
[144]Hein borrows the term alchemical from (Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*), which means the extent to which a person has the power to institute and to define who is who, the power to secure belief or to impose recognition.
[145]Hein, "Institutional Blessing: The Museum as Canon-Maker", p. 560.
[146]Ibid., p. 561.
[147]Ibid., p. 566.
[148]Ibid., p. 557.

As mentioned earlier in this chapter, it is therefore that arts institutions like other artworld actors have a vested interest in perpetuating their authority and value to an artworld public as their very existence is based on this.

Judith Blau in her article, 'Study of the Arts: A Reappraisal', draws on the sociology of art in order to clarify linkages between social structures and culture.[149] In doing so, she makes the claim that understanding 'artworlds' extends to our understanding of other worlds. It is reasonable enough to view the artworld as a micro-environment, which is reflective of many other environments within the society, as the artworld consists of a network of relationships, though it is just one group. However, conversely, Blau draws on Becker and Bourdieu among others, while arguing that the artworld is a unique context, which is difficult to compare to other social fields as "few occupations involve work that is so unessential in the sense of being unrelated to basic needs."[150] While I agree with this statement, I argue that the artworld, while involving a unique focus – the creation of a work of art – which is in essence "la cration d'une oeuvre de l'esprit" (the creation of a work of the mind or the soul), making it unlike other fields it is nonetheless a network of individuals whose relationships and collaborations result in the creation and exchange of a product – a work of art – which, as Bourdieu suggested earlier in the chapter can be equated to the exchange of 'capital'.

This characteristic of the artworld makes the study of it transferable to the examination of other social networks. Understanding this network of relationships and how it functions is instructive to the examination of how cooperative networks operate and furthermore to how trust can function both to generate and enhance the capital of agents working within a particular network and also how these issues apply to different networks or social groups. This will be discussed in Chapter Two, As earlier noted, trust (or rather belief) is a prerequisite for the existence of the artworld, since to borrow from Bourdieu, the field of art production only exists as a result of the perceived value and

[149] Judith Blau. "Study of the Arts: A Reappraisal". In: *Annual Review of Sociology* 14 (1988), pp. 269–292, p. 273.
[150] Ibid., p. 274.

rank of the agents that comprise it – in the absence of belief, artworld agents would have no authority and the artworld itself would cease to be.

This is where the struggle for prestige and rank becomes apparent, which will be discussed in greater detail in the following section. Once accepted into the social group, in this case the artworld, agents must compete to maintain or improve their positions. It is here that maintaing trust (or belief) becomes crucial not only once entry into the social group is granted, but also in the struggle for acceptance within the network. It examining the structure of the artworld and how it functions it becomes clear that values such as reputation, prestige and competition are not limited to the artworld alone, but can be found in many other social groups that involve the production and exchange of capital. Blau argues that in the case of the artworld, the need to compete for a position and to enhance one's prestige can lead to a homogenisation in production, since "artists are at risk of selling out in order to acquire greater financial security."[151] She argues that research investigating organisations stresses economic and institutional contingencies of success and survival. In doing so, she claims that often "quality and innovation are trade-offs in artistic endeavours".[152] Organisations of achieved prominence tend to be more risk-averse and avoid unconventional programming. Blau notes that art is what an institution defines as art while art has its own self-generated meanings. She points out that it is therefore that art is influenced by its social and economic context and that there are "significant connections between art products, cultural values and social arrangements."[153] This backdrop establishes the social conditions under which art of different forms can develop.[154]

[151]Blau, "Study of the Arts: A Reappraisal", p. 274.
[152]Ibid., p. 274.
[153]Ibid., p. 270.
[154]Ibid., p. 272.

Competition, Reputation and Prestige

Key issues such as prestige, reputation and competition, which affect both artists, and institutions become significant factors that define the artworld. While institutions and private collectors have been seen to compete over works by, in particular, established artists, and as outlined in Chapter One, this can be traced back to the Renaissance, both established and emerging artists also compete for funding and representation from certain patrons and arts institutions. In doing so, museums and galleries are also competing, be it indirectly, for state and private support. These factors play an important role in both establishing and perpetuating certain features of the artworld as noted earlier, but also have a part to play in the commissioning of contemporary art since artists are often, and have been since the Renaissance and even before, in competition with each other for commissions for positions in the artworld, to earn support for their work and for the prestige such projects can offer.

Contemporary art commissions by museums can and often do involve an open call for submissions from artists, who are then required to submit a proposal. These proposals are then looked at before an artist is selected for a final commission. Such opportunities can offer the chance for greater recognition and thereafter raise the artist's profile. In turn, enhancing his or her prestige and by consequence may lead to subsequent commissions. The larger the scale of the commission and the size and prestige of the commissioning institution, the greater the opportunity may be for the artist with regard to enhancing his or her own position within the artworld. This can function, though to a lesser degree, in reverse, where a young museum or gallery by working with a prestigious artist can raise its profile by working with a well-established figure. This struggle for prestige, as previously discussed, is not simply a fight for reputation and rank, but indirectly a battle to accumulate capital, which reverts back to Bourdieu's discussion, introduced earlier, of how 'social capital' can influence economic capital.

Returning now to the work of Becker and Bourdieu, both of whom have acknowledged a tension that exists within the artworld. This tension, they claim, exists between those outside the artworld and those within it. For example, in the case of artworks – the tension that exists between the emerging *avant-garde* and the established, canonical or accepted traditions reticent of historical works. In other words, those consecrated artists and artworks and those yet to be consecrated. This sets up a situation whereby in order to achieve status, artists must compete for acceptance within the artworld either by conforming to different standards put forth by it or by reacting against or criticising existing consecrated art. This idea was also picked up by Jyrama, who writes that changes within any given field are a certainty and this is due to the fact that in all fields, especially those as mature and historically well-established as the field of art, there is "continuous competition to establish new rules, new means of achieving social distinction and consequently, new survival strategies."[155] Becker defines these new rules as being created by 'reactionaries', 'radicals' – the 'mavericks' of the artworld, who defy the status quo by critiquing the traditional, the classical or other accepted art forms.[156] Yet, while these artworld 'mavericks' appear to be non-conformist, as Becker points out, they still come from an artworld, were trained appropriately and oriented to it[157] and they look to be supported and appreciated by the same artworld audience.[158] In this sense, he argues maverick work shares much with conventional work, suggesting that participation within the artworld requires an element of conformity and this conformity further contributes to what makes the artworld self-perpetuating.[159]

Becker (1978) argues that the artist operates in a setting of institutional constraints, which vary from time to time and place to place. Mavericks change the scope of art by challenging existing aesthetic taste, at least to an extent, though as previously

[155]Jyrama, "Contemporary Art Markets –Structure and Actors: A Study of Art Galleries in Finland", p. 53.
[156]Howard S. Becker. "Art Worlds and Social Types". In: *American Behavioral Scientist* 19.6 (1976), p. 710.
[157]Ibid., p. 709.
[158]Ibid., p. 710.
[159]Ibid.

noted such artists are still schooled in the same way and seeking visibility by the same audiences. A desire for the economic benefits that come as a consequence of prestige and recognition within the context of the field of art production encourages artists to fight for space in more prestigious museums. This is due to the fact that representation by recognised institutions or rather the prestige associated with being acknowledged by established museums and galleries enhances the reputation and status of an artist's work thus, causing it to become increasingly valuable. Positions within the artworld are limited, a characteristic that further increases the level of competition among artworld agents. Furthermore, when new or emerging artists replace the older ones, it creates a conflict or tension, as both are competing for a place in the art historical framework of the artworld. This can also be the case with artists in other fields (like craft), who, argues Becker, are trying to break into the world of fine art.[160] It is likely that most 'high art' started out as some kind of craft.[161] Becker distinguishes between fine art and craft, suggesting that craft "can and does exist independent of artworlds."[162] "Craft implies practical utility, art does not; and when considerations of practical utility begin to be voiced, members of artworlds worry about art being subordinated to 'mere craft'."[163] and its value being diminished as a consequence of this.

Becker claims that autonomy in the artworld is difficult.[164] The artworld is defined by more conventional artists, who take advantage of the networks of cooperation that make up the artworld. However, acceptance of this support limits one's possibilities as an artist. Since artists are required to rely on the contributions of other's in order to get their works made. In contrast to this, those who don't are free to do what they want since they do not require anyone else's cooperation or support to make their works. However, in such cases artists must be far more self-reliant in both financing their own works and in gaining access to the necessary resources to make them. The result is that

[160]Becker, "Art Worlds and Social Types", p. 876.
[161]Ibid.
[162]Ibid., p. 864.
[163]Ibid., p. 887.
[164]Becker, "Art Worlds Revisited".

they are not required to accept external constraints or need to coordinate with others. These individuals are, unsurprisingly, quite rare in the context of the artworld. Thus, for most artists working within the context of the artworld, there is a balance between autonomy and conformism and this is particularly true in the context of art commissions since such projects involve an invitation to make a work for a specific purpose as set out by a commissioner and in doing so the artist must accept to work to the terms set out for the commission.

In relation to the field of experimental works, only artists with external support can afford to work in this way. Artists with less economic backing must, to an extent, conform. There are those *avant-garde* artists within the artworld whose works have been consecrated and then there are the artists who are seeking recognition. The younger, incoming unconsecrated artists need to make themselves known and one of the central ways of doing this is to critique the consecrated. This Bourdieu claims creates a structurally induced conflict, noting that:

> "When a new literary or artistic group makes its appearance felt in the field of literary or artistic production, the whole problem is transformed since its coming into being, i.e.: into difference modifies and displaces the universe of possible options; the previously dominant productions may, for example, be pushed into the status either of outmoded or of classic works."[165]

Adding to this idea, Danto posits that there would exist no place for emerging art forms, identifying in particular, twentieth century art forms such as Pop Art, Minimal Art and Conceptual Art, if there was not in the first place an Artworld within which they could present themselves and earn an identifiable place therein.[166] I agree with this claim, particularly in relation to the context of the commissioning and acquisition of contemporary commissioned art, since it is out of the field of art production and the network of individuals who inhabit it that most of the contemporary fine art commissions in the last twenty year have been realised, acquired recognition and have been distributed

[165]Bourdieu, *The Field of Cultural Production*, p. 32.
[166]Danto, "The Artworld".

publicly. The artworld makes decisions about which artists to select, exhibit, commission and collect and it is on this basis that the public gains access to contemporary art. Thus, for an artist to be accepted into the artworld and to have their work enfranchised requires conforming to an extent to the rules and standards imposed by the artworld. This is picked up by Becker, who suggests that there is, however, a "space for mavericks, those artists who break away from traditional or classical standards and who in doing so are able to change the status quo and to introduce a new *avant-garde*. However, these are rare occurrences and still require that the artist at a minimum was schooled to an appropriate level and by a recognised institution and that his or her work meets certain protocols that would make it possible for a museum to present and disseminate it."[167]

Shifting back to the topic of prestige, which is another major theme in Bourdieu's work, which gains particular focus in his 1984 text, *Distinction* which bears importance in the context of this thesis. Bourdieu approaches the role of prestige by deciphering between notions of 'cultural capital', which concerns forms of cultural knowledge, competences or dispositions and 'symbolic capital', introduced earlier. In defining these terms, Bourdieu claims that: "There is a specific economy of the literary and artistic field, based on a particular form of belief."[168] This relates to his notion of 'symbolic capital', which he defines as a: "degree of accumulated prestige, celebrity or honour [that] is founded on a dialectic of knowledge (connaissance) and recognition (reconnaissance)."[169] In *Distinction*, Bourdieu refers to 'symbolic capital' as, "the acquisition of a reputation for competence and an image of respectability and honourability."[170] This concept of symbolic capital is central to belief, which is a core feature of trust as to believe requires trusting in the competence and honour of another. 'Symbolic capital', thus, requires a level of trust from the outset as it is directly tied to an individual's reputation. In the artworld, accruing symbolic capital becomes of great importance, particularly in the context of art commissioning, as in the absence of a work of art,

[167]Becker, "Art Worlds and Social Types", p. 710.
[168]Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*, p. 35.
[169]Ibid., p. 7.
[170]Ibid., p. 291.

the artist's symbolic capital may act as a kind of insurance for the commissioner and equally this can work in the reverse in so far as contributing to the artist's belief in the commissioner, which is enhanced by the commissioner's reputation or rather his or her accumulation of 'symbolic capital'.

Acquiring symbolic capital, or prestige, is therefore central to both success within the artworld and is of particular importance to practices of art commissioning. Since it contributes to the perceived value of artworld agents and their importance and authority. This, however, is not exclusive to the field of artistic production alone and holds true in many other fields. In this sense, 'symbolic capital' acts as a stamp or brand of quality, as an artist or arts institution with a trusted reputation is more likely to receive greater opportunities within the artworld, further enhancing his or her prestige – e.g. capital – as greater numbers of agents may be inclined to view his work as valuable resulting in further opportunities to produce work. Cultural capital, Bourdieu defines as a form of knowledge, an internalised code or an acquisition of cultural knowledge. Cultural capital is a form of cultural knowledge which equips an agent to decipher cultural relations and cultural artefacts. Bourdieu writes, "this code of cultural competence is acquired through a long period of acquisition or inculcation in the pedagogical action of the family or group members."[171]

Wartofsky picks up on the topic of prestige, while criticising the institutional theory of art, which he suggests is a 'contact-theory' and that it is self-constituting.[172,173] In doing so, he states that the institutional theory fails to identify how prestige is accumulated. He claims that it fails to address the question of how legitimacy or prestige is achieved, how it is denied, how it changes and how it is lost or regained. This is of key importance when looking at the power dynamics at play within the artworld and how particular artworld hierarchies, canons and conventions are formed and also broken

[171] Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*, p. 7.
[172] Wartofsky, "Art, Artworlds and Ideology", p. 242.
[173] The term 'contact-theory' has appeared in the context of the fields of criminology, psychology and describes how interpersonal contact has been seen to greatly improve group behaviour by reducing prejudices among group members.

down. Further to this, Blau argues that artists are in a unique dilemma in terms of competition as they must maintain collegial ties for support yet are simultaneously competing for position and prestige within the artworld. Social circles help legitimise artists' necessities to furnish social support. Blau's work contributes to the cultural industries generally and the economic and institutional contingencies of success and survival.[174] In doing so, she supports Bourdieu's view that individuals accrue social prestige by exhibiting cultural sophistication.

Examining the core features of the artworld and how they relate to the structuring of it provides a deeper understanding of the complex web of relationships responsible for the production of new works of art via a commissioning process. The literature on the artworld is significant, despite what Bourdieu and Becker claim is its uniqueness compared to other statutory social fields, because it exposes a great deal about group dynamics and how groups of individuals or networks influence exchange-based relationships. This is crucial to an investigation of the commissioning of contemporary art and the cooperative relationships that make such exchanges within the artworld possible, which is a central aim of this thesis.

Methodology

Chapters Three and Four draw evidence from one-to-one interviews and a survey of non-national museums and galleries across the UK, which scoped the level of commitment to the commissioning and collecting of contemporary visual art by public arts institutions and investigated some of the issues that have inhibited public museums and galleries from commissioning new work from artists and from using 'commission-accession' as a collecting strategy.

This growing concentration on the public has evolved along side changes in the structure and governance of public museums and galleries. Museums and galleries of

[174]Blau, "Study of the Arts: A Reappraisal", p. 277.

contemporary art have increasingly focused their sights on educational outreach and developing and engaging new audiences. This was underpinned by the claim that, "nothing museums do is more important than adding to our nation's cultural legacy and providing visitors access to it."[175] Drawing on the previously listed sources, this thesis examines the critical role that features such as trust, cooperation, competition and prestige have played in the commissioning of contemporary art by public museums and galleries, specifically, it examines the commissioner-artist relationship – where commissioners and artists must work together toward a common goal and in doing so must cooperate in pursuit of this aim. Developing cooperative relationships is paramount for arts institutions seeking to engage in social exchanges, which is central to the commissioning of contemporary art This is where a mixed-methods approach to this research, in the form of one-to-one semi-structured interviews and a broader scoping survey (museums and galleries questionnaire), have been particularly important in generating new material where none previously existed. The details of which are outlined in the following section.

The Questionnaire

A survey was undertaken prior to the interview phase of this research project, which informed both the interview questions as well as the selection of interviewees. A questionnaire was used to survey the opinions of a large sample of arts professionals from 82 public museums and galleries across the UK, which drew attention to very recent art commissions and the artists and arts professionals involved in them. The survey was conducted over a twelve month period between November 2009 and November 2010 and the resulting statistics are based on a nine-part questionnaire (see Appendix A), which received a 56% response rate. As the survey only yielded a 56% response rate, this offered additional insight into the level of engagement of museum and gallery professionals in the commissioning and collecting of contemporary art, but also in its perceived importance for municipal museums and galleries during the survey period (2009–2010).

[175] Cuno, *Whose Muse?*, p. 52.

The data from the survey can be found in full in Appendix One at the back of this volume.

The questionnaire was used to survey the regularity and use of commissioning and 'commission-accession' practices by principally non-national collections in order to gauge the current commitment to commissioning practices by municipal museums and galleries in the UK and to identify particular commissioners and artists who had recently undertaken a major commissioned project for subsequent interviews.

The list of museums and galleries (included in the survey) was taken from the most recent version of the *Museums and Galleries Yearbook: Directory of Museums and Galleries*[176] that was available at the time. This offered specific information such as the locations and addresses of approximately 2,500 museums, galleries, heritage sites and related organisations across the UK, including collection types and descriptions as well as contact details for museum and gallery employees. At the end of the survey period (2009–2010) the results of all returned questionnaires were accounted for and subsequently entered into an excel spreadsheet. Answers to questions were charted using numerical values, where 'no' (N) responses were given a value of 0 and 'yes' (Y) responses were given a value of 1. The sums of the total responses for each question were quantified and statistics produced based on the previously noted values. For example, in survey question one (Q1) the total Y responses equaled 41, where the total number of returned questionnaires was 46. A simple algebraic equation was applied to calculate the statistics for each question, where the total responses for each question, in this case 41, were multiplied by 100 and then divided by the total number of responding museums (41 x 100/46). For Q1 this gave a Y value of 89 percent. The Y value was then subtracted from 100 to give the percentage for the N value. In the case of Q1 (100 - 89 = 11). So for Q1 the total number of Y and N responses was 89 percent and 11 percent respectively. The results for each of the survey questions are listed in Appendix One: List of Museums and Galleries that Completed a Questionnaire with Statistics).

[176]Michael Wright, ed. *Museums and Galleries Yearbook: Directory of Museums and Galleries.* Museums Association: London, 2009.

The quantitative results from the survey revealed several key findings about the nature of the collecting and commissioning of contemporary artworks by non-national museums and galleries in the UK:[177]

- 89% of the responding surveyed institutions answered yes when asked whether they were actively collecting contemporary art, of which only 37% suggested that they had a fixed budget in place to do so.
- 84% of the surveyed institutions answered yes to commissioning new work for the context of a collection or the desire to do so in future, while 65% felt that commissioning was a cost-effective way to build a collection.
- 2% of the surveyed institutions claimed to have any budget in place to finance commissioned art and indicated that commissions were either financed with the exhibitions budget or with additional external funds.

Data from the survey suggested that despite the growing interest among museum and gallery professionals in commissioning new work from artists, and an increasing sector-wide awareness of the potential benefits that 'commission-accession' practices can offer, the failure of major funding bodies until recently to support contemporary art commissions or acquisitions of commissioned works has thwarted UK museums and galleries from commissioning new work and from using commissions strategically in order to build the scope of their collections. This can now be seen as a major oversight on the part of UK national funding bodies, which has only very recently begun to be acknowledged and corrected. The data from the survey served as a starting point for a deeper investigation of issues around commissioning through in-depth interviews with artists and museum and gallery commissioners.

[177] For a complete list of the survey results see: Appendix One.

Qualitative Data – Recording the Voices of Artists and Commissioners as Methodology

This research project involved a mixed-methods approach, combining qualitative, semi-structured interviews with quantitative data taken from an on-line survey comprised of a nine-part questionnaire. The interview process for the project required obtaining through semi-structured interviews the oral testimonies of twenty-five individuals. This included one-to-one interviews with eleven museum and gallery curators, eight directors and six professional artists. The majority of the artists live and work in Glasgow or are represented by a Glasgow-based art gallery and the nineteen selected arts professionals work across a range of different public arts organisations and institutions in the US, France and the UK.

Interviewees were selected based on their particular experiences of working within the context of recent contemporary art commissioning processes, which ranged from high-profile art commissions to those of a more modest scale. These helped to build a picture of the scope of commissioning practices currently being used by public museums and galleries. The interviews offered particular insights into the benefits commissioning processes can offer to museums and galleries and to artists. They also highlighted some of the issues that have caused visual art commissioning, until very recently, to remain a relatively marginalised practice. The interviews ranged between one and four hours in length and they were recorded using both an Olympus DS-75 and an Olympus DS-65 digital voice recorder. A list of primary questions was used for each interviewee to direct the interviews, which varied slightly depending on the specificities of the projects undertaken. This served as a loose outline to structure the interviews and as a basis for more in-depth follow-up questions. This method was supported by Elaine Batty, who wrote:

> "In-depth interviews combine structure with flexibility and are underpinned by a thematic approach enabling spontaneous responses to be fully explored. An interviewee's initial response is regarded as usually being at a surface

> level: the interviewer will subsequently use follow up questions to obtain a deeper and fuller understanding of the participant's meaning, reasons, feelings, opinions and beliefs."[178]

It is the strength of this structure and the flexibility it offers that has underpinned the use of the interview as a methodology in this thesis. Through the use of one-to-one semi-structured interviews with artists, museum and gallery curators and directors, the opinions, experiences and beliefs of the interviewee's were documented, which has helped to obtain a more accurate understanding of the intricacies, the benefits and the challenges of contemporary art commissioning processes for those regularly working within them.

The Interview

The use of oral and narrative testimonies is growing in the context of humanities and social science research. Oral History developed as a practice and movement in the 1960s and 1970s as a social science and history discipline in the 1950s and since then has gained momentum as a consequence of the arrival of portable technical equipment for recording. Used to negotiate the intricacies of oral testimony, the use of the interview became a primary tool and basis of its research success. While it is primarily a method not a separate field of history,[179] it serves as both a method and a product, a methodology with which to conduct and gather research as well as the result of the research process undertaken. Two key features that cannot be separated.[180] Due to the widespread use of oral history as a methodology the term 'oral history' is now frequently applied to any qualitative research that uses spoken testimony.[181]

The unreliability of memory and the subjective nature of the interview-interviewee dynamic have opened up debate around the authority and factuality of oral testimonies

[178] Elaine Batty. "Reflections On the Use of Oral History Techniques in Social Research". In: *People, Place and Policy Online* 3.2 (2009), pp. 109–121, p. 64.
[179] C. W. Joyner. "'Oral History as Communicative Event'". In: *Oral History: An Interdisciplinary Anthology*. Ed. by D. K. Dunaway and W. K. Baum. AltaMira Press: Lanham, MD, 1996, pp. 292–297.
[180] Lynn Abrams. *Oral History Theory*. Routledge: London and New York, 2010.
[181] Ibid.

in qualitative studies, thus challenging the trustworthiness of the interview as a factual document. However oral historians have refuted such claims, arguing that oral history research enables us to create a more personal, intimate record of past events by capturing individual insights and experiences of processes and historical happenings from the very recent to the more distant past. In so doing, oral history research offers a more accurate depiction of particular events and processes. Also significant, is the potential of oral histories to provide space for the voices of marginalised or over-looked groups to be heard. By recording 'lived' experiences of particular groups, oral testimonies taken from interviews, offer a deeper more nuanced understanding and hence a more truthful account of the past. These features underpin the use of oral testimonies as a methodology in this thesis and in particular in the context of the three case studies that make up Chapter Four.

Speculations over the trustworthiness of oral history data, and more specifically the importance of trust in the interview-interviewee relationship, offer an appropriate starting point for a larger debate on the importance of trust between commissioners and artists. Like the commissioner-artist relationship, the interview-interviewee dynamic is one in which both the exchange itself and the product of the exchange are highly influenced by the level of trust built between individuals. It is thus that the interview process, and its reliance on trust, becomes a useful tool and compliment to the scope of this thesis in general, and in particular, to the content of the case studies included in it. Valerie Yow outlines the importance of trust in the interviewer-interviewee relationship, noting that:

> "As oral historians, we enter a home or workplace and ask people questions that can make them see their lives differently. We come in a special role as collectors and preservers of accounts of human experience for generations to come that can inspire people to speak honestly and fully about their experiences. They may entrust us with information they would not normally tell a stranger because they see us as having a special relationship to them, as

> someone who will tell their story to a wider audience or future generations, as they have told it to us."[182]

The Theory of Trust as a Methodology

Because oral history is intrinsically linked to the participant's memory of particular actions or events in his or her lived experience, it has been criticised as a methodological approach to research because of its reliance on the "reliability of memory and the societal factors that influence and manipulate perceived memory", which are subjective and inherently unique to each individual.[183] However, despite criticisms about the validity of oral history in humanities and social science research by scholars like,[184] which have arisen as a result of its dependence on the potential inconsistency of individual memory (which sits in contrast with the objective verification of the document) oral history has none-the-less proliferated as a methodological approach.[185]

However, while the debate over the validity of oral history continues today[186] as a consequence of its subjectivity, it is this innate (subjective) aspect of oral history research which has resulted in its distinctive character and its value and success as a methodological approach to research. Batty argues that oral sources are more a "mechanism for helping us to understand the cultural milieu in which individual events were

[182]Valerie Yow. "Ethics and Interpersonal Relationships in Oral History Research". In: *Oral History Review* 22.1 (1995), pp. 51–66.

[183]Batty, "Reflections On the Use of Oral History Techniques in Social Research", p. 111.

[184]Arthur Marwick. *The Nature of History*. Macmillan: London, 1970
Eric Hobsbawm. *On History*. Weidenfeld and Nicholson: London, 1997
William III Cutler. "Accuracy in Oral History Interviewing". In: *Oral History: An Interdisciplinary Anthology*. Ed. by David K. Dunaway and Willa K. Baum. AltaMira Press: Walnut Creek, CA, 1996, pp. 99–105
Penny Summerfield. "Culture and Composure: Creating Narratives of the Gendered Self in Oral History Interviews". In: *Cultural and Social History* 1 (2004), pp. 65–93.

[185]Batty, "Reflections On the Use of Oral History Techniques in Social Research".

[186]Abrams, *Oral History Theory*.

experienced, rather than a means of capturing the 'general experiences' of a population."[187] while Portelli suggests that oral sources say less about events than about their meaning.[188]

It is the very subjective nature of oral testimonies that accounts for their value and importance as a method of research as through the voices of individuals and their willingness to articulate their lived experiences, we are able to develop a more intimate and detailed picture of past events, sharpening our understanding by evoking layers of meaning otherwise unattainable – as they cannot be quantified and would therefore remain absent within a strictly quantitative research approach. The verification of facts and figures can paint a particular picture, which is subject to the purpose and presentation of the statistics used as well as the process used to acquire them. The speaker's account or first-hand experience of a situation, environment, period of time, course of action or event, however, offers an unchangeable, be it subjective, record, that in introducing an alternative approach to quantitative research and numerical results brings us infinitely closer to understanding and making sense of social and cultural history. It is for this reason that the subjective nature of oral research in no way compromises the usefulness or trustworthiness of its sources, but instead, by acting as a supplement to quantitative research, it gives a voice to past events and experiences, exposing us to details, opinions, motivations and perspectives that would otherwise remain unaccounted for and bringing us closer to a deeper understanding of processes, actions and events in the recent and distant past. It is for these reasons that the interview has been used as a primary source and a methodology in this thesis.

The Interview Relationship as Trust-based Practice

The interview dynamic formed between interviewer and interviewee, like other kinds of inter-personal exchanges, is one that is forged on trust. Oral history research tends

[187] Batty, "Reflections On the Use of Oral History Techniques in Social Research", p. 112.
[188] Alessandro Portelli. "'What Makes Oral History Different'". In: *The Oral History Reader*. Ed. by R. Perks and A. Thomson. Routledge: London, 1998, pp. 32–42.

to be structured around an interview process,[189] the result of which is rooted in the strength of the relationship and the dynamic formed between the interviewer and the interviewee. The interviewer-interviewee relationship is embedded within the qualitative research paradigm. This is argued by Batty, who suggests that: "The act of qualitative interviewing in itself denotes an interview/interviewee relationship; and ideally one that fosters trust."[190] However, while the outcome of the interview is therefore dependent on both the participation of the interviewer as well as the interviewee, there are numerous external influences, which together shape the interviewer-interviewee dynamic. Both individuals have a key role to play in the exchange. Portelli distinguishes that the interviewer selects the interviewees, shapes the testimony by asking particular questions and reacting to answers, and is responsible for the final outcome and product of what is produced (the form of documentation and transcription and in which format this is reported).[191] There are, however, various external factors that can also influence the outcome of the interview dynamic formed, which include, among others, the: gender, age, ethnicity, socio-economic class, institutional representation and relative position.[192] The dynamics that exist and are developed between individuals as a consequence of their similarities or differences can have marked impacts on the interview dynamic. Warner Moss, president of the Oral History Association in 1978–1979, acknowledges this, noting that:

> "The interview is not a passive document that merely accepts evidence. It is a dynamic process in which the observer-collector (interviewer) has a marked effect on what the witness-narrator (interviewee) produces in the way of information and opinion."[193]

[189] Batty, "Reflections On the Use of Oral History Techniques in Social Research".
[190] Ibid., p. 112.
[191] Portelli, "'What Makes Oral History Different'".
[192] Michael Roper. "Counter-Transference in the Oral History Encounter". In: *Oral History* 31.2 (2003), pp. 20–32
Valerie Raleigh Yow. "Do I Like Them Too Much? Effects of the Oral History Interview on the Interviewer and Vice-versa". In: *The Oral History Reader*. Ed. by R. Perks and A. Thomson. Routledge: London and New York, 2005, pp. 54–69.
[193] William Warner Moss. "Oral History: An Appreciation". In: *American Archivist* 40.4 (1977), pp. 429–439, p. 437.

While the interviewer has a strong role to play in structuring and directing the course and flow of the interview, the strength of the relationship and the dynamic formed during the interview is an organic process, which is in many ways not subject to control, and is influenced by numerous unconscious factors. The interviewer's background and relationship to the interviewee is met with transference and visa-versa (through counter-transference).[194] Transference is part of the way in which individuals relate to each other and consequently a part of all interpersonal exchange, art commissioning relationships included.[195] Roper puts this well, stating that:

> "The interview is not simply a narrative, but rather, a relationship in which there are two subjectivities in play. The life story that results from this encounter is always informed by unconscious dynamics. The problem for the researcher is how to remain sensitive to these dynamics during the interview, and how such sensitivity can enrich subsequent understanding. A key issue here concerns the researcher's capacity to tolerate, and reflect upon, anxiety."[196,197]

Here trust becomes further significant as the interview context may conjure up anxieties or conflicts from the past and therefore the interviewer must be able to hold the space to engage with such material as it is presented. The importance of trust in the interviewer-interviewee relationship is further underscored by Roper, who claims that: "In requiring our subjects to dredge up the past and render it in words, we must be able to tolerate the pain and anxiety that recollection brings."[198] It is through this interaction in the interview process and the way in which information is articulated, received and

[194]Patricia Hughes and Ian Kerr define transference in their article 'Transference and Countertransference in Communication Between Doctor and Patient', as follows: "Transference is the phenomenon whereby we unconsciously transfer feelings and attitudes from a person or situation in the past on to a person or situation in the present."(Patricia Hughes and Ian Kerr. "Transference and countertransference in communication between doctor and patient". In: *Advances in Psychiatric Treatment* 6 [2000], p. 63. URL: `http://apt.rcpsych.org/content/6/1/57.full`)

[195]Karl Figlio argued that by engaging in the interview process, individuals are entering into a transference situation, whether they wish to or not.(Karl Figlio. "Oral History and the Unconscious". In: *History Workshop Journal* 26 [1988], pp. 120–133)

[196]Roper, "Counter-Transference in the Oral History Encounter", p. 20.

[197]Roper, further articulates this by writing that, "the empathy between interviewer and interviewee is shaped by the emotional residues of the past which both parties bring, inevitably, into the encounter." (ibid., p. 21)

[198]Ibid., p. 22.

interpreted by both the interviewer and the interviewee that trust is developed. It is the very subjectivity of this interplay between the interviewer and the interviewee, which is simultaneously both the cause of contention in oral history research as well as its strength, since, similarly to the psychologist-patient relationship, the dynamic formed and the results of the exchange can differ significantly according to the individuals involved and how they relate to one another.

The interviewer-interviewee relationship is not then dissimilar to the commissioner-artist relationship in that both involve an exchange that is based on trust and in both cases the dynamic developed during the exchange (the process) has a marked influence on the outcome of the exchange (the product). It is thus that the interview process, as it sits within the oral history methodology, offers a useful parallel for investigating the importance of trust in the commissioning and collecting of contemporary art. As it offers another example of how the subjective and largely ephemeral nature of exchange, and the level of trust developed during this process, can influence the quality and depth of the output. It is also the subjectivity of exchange relationships that opens up potential for risk as positive exchange dynamics are more likely to result from good communication, cooperation and positive transference and counter-transference and increased trust, where as negative dynamics formed between individuals tend to result in strained communication and cooperation and ultimately reduced levels of trust.

Chapters Three and Four, draw on the oral testimonies of artists and arts professionals in order to draw in first hand accounts of their experiences, thoughts and opinions. Building on the previous three chapters, Chapter Three proposes that there has been a revival of commissioning practices from 2000 and introduces a key feature of this, the use of 'commission-accession' models by public museums and galleries. It outlines the renewed interest in commissioning practices, focussing on recent international museum models for commissioning contemporary works that have emerged since 2000 and the benefits these offer to them. In doing so, the chapter demonstrates the plurality

of commissioning practices currently in use and how the taxonomy of commissioning models has expanded considerably over the last decade.

Examining both the benefits and the risks involved in commissioning, it also illustrates how international models have, together with the success of high-profile art commissions nationally, paved the way for co-commissioning partnerships between collecting institutions and non-collecting organisations across the UK. Focus is placed on particular public arts organisations that have endorsed trust-based relationships with artists by commissioning and collecting their work. By extension, this chapter investigates the use of commissioning as a collecting strategy within the context of, in particular, non-national public art collections in the US, France and the UK and it shows how recent collaborations between collecting and non-collecting organisations demonstrate a strategic drive to draw together public resources and combine exhibitions and collecting expertise across public museums and galleries as well as the impacts that these partnerships have had on collections development.

While the preceding chapters outline the core features of art commissioning, in particular, the central role that trust plays in the development of newly commissioned works, focusing on the use 'commission-accession' practices as a strategy for public museums and galleries and the benefits they offer to them, Chapter Four moves to investigate the commissioning of new work from the perspective of the artist, the importance of trust in commissioner-artist exchanges and the potential risks artists face. It presents the oral testimonies of three artists (Toby Paterson (b. 1974), Martin Boyce (b. 1969) and Richard Wright (b. 1960)), all of whom were commissioned by a public arts organisation, museum or gallery and each for a different context.

The voices of these artists have been used to inform the case studies, which make up the chapter. These case studies draw on the artists' voices to examine a range of different commissioning practices, and in doing so, serve two central purposes: 1) To explore the potential issues and benefits commissions offer to artists, providing first-hand accounts of the processes and practices of making new work in this context; and 2)

To negotiate the role that trust plays (and its counter-value, risk) from the perspective of the artist, which may help to inform museum and gallery curators seeking to work with artists to commission new work for exhibition and collection. While there are examples of recent art commissions that reflect a break in trust, these case studies have been selected as examples of successful commissions which involved high levels of trust throughout. In doing so, together these case studies demonstrate an affirmative account of commissioning as a trust-based practice and showcase the benefits commissioning processes can offer to artists and commissioning organisations who invest in high levels of trust.

This thesis investigates the revival of the art commission post-2000 and its recent use as a collecting strategy by public museums and galleries. It examines how over time commissioning has expanded as a practice, acknowledging that in the context of arts organisations, commissioning has evolved to include a range of 'commission-accession' models. The examples outlined in the following chapters demonstrate that the commissioning of contemporary art, whether for exhibition or collection or through a joint 'commission-accession' process, can have many forms that vary depending on the artist, the kind of work being made and where and for what purpose the work is being commissioned. Recent commissions demonstrate that there is not one successful model for commissioning an artwork, and that one of the primary benefits offered by commissioning is the potential to create custom-made works for different contexts. While commissions are case specific and vary widely, one aspect of commissioning that is a constant is its reliance on trust.

This study argues that commissioning is a trust-based practice and that successful exchanges between artists and commissioners require a commitment to trust at all stages of a project. This argument has been fed by the voices of artists and commissioners from interviews conducted for this research. It has also facilitated fresh insights and opinions from artists and museum and gallery professionals, most of whom, based on the currency of this research, had not been interviewed for this purpose before. It is hoped

that this information will be instructive to museum and gallery professionals seeking to commission new work for exhibition and collection. The importance of investing in trust cannot be overlooked in the context of museum and gallery commissions, as trust between commissioners and artists is critical to the success of a newly commissioned artwork. The relationship between art commissioning and trust and the examination of commissioning as a trust-based practice has not been looked at before. Consequently, it merits more attention than can be offered to it in the context of this thesis.

As a whole, these approaches and findings offer valuable insights into the changing nature of art commissioning practices as well as the role that written and verbal communication, trust, risk, context and audience play in relation to the commissioning of a new work. Understanding both the theoretical and practical issues associated with commissioning is vital for both commissioners and artists seeking to work together to make a new work. Chrissie Iles, Curator at the Whitney Museum of American Art, New York sums this up well, by stating that:

> "The dialogue between the artist and the curator during the commissioning of a new work is key to its success. Sometimes the artist is self-sufficient, and the curator's input takes place mainly at the installing phase. But often the artist needs both practical and moral support, and the curator can be a useful sounding board as the artist develops their ideas. The artist needs commitment, attention and understanding as the work evolves, and must be able to trust the curator, and feel confident that they can rely on them to successfully negotiate the relationship between the artist and the institution."[199]

Recognising the nature of the artist's position, and the risks he or she assumes by accepting a commission and the impacts that a breach in trust can have for artists is an important part of navigating the role of the commissioner as well as recognising the need for developing and maintaining trust-based relationships with artists. These insights lie at the heart of this study of contemporary commissioned art. Therefore,

[199]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 245.

developing an awareness of these issues is crucial for museums and galleries who seek to use commissioning as a strategy to build their contemporary art collections into the future.

Chapter 1

A Short History of Commissioning: Contracts, Relationships and the Making of New Art

1.1 Introduction

More so than with the collecting of extant works of art the business of art commissioning is an activity rooted in negotiation and exchange. As far back as the Middle Ages and before, artists have depended on commissioners in order to avoid impoverishment, to make new work and to establish themselves as important and necessary members of society. In turn, commissioners have relied on artists to promote themselves, their families and the cities, institutions and causes they championed. During the period 1390–1642 across the Italian regions of Lazio, Lombardy and Tuscany, ownership of art was a symbol of honour for those with the means to collect it and it was believed that only through the acquisition of artworks of superior quality and originality could honour be truly attained. It was at this time that the commissioning of art began to demonstrate extraordinary

potential as a strategy for making and collecting artworks of exceptional quality and ambition. By bringing together commissioners and artists, art commissions introduced a model whereby artists gained access to a rich supply of resources, materials and financial support in the making of their works and commissioners were offered the chance to work directly with particular artists, and by investing in their skill and expertise, to acquire art fit for their specific purposes.

However, as I point out in the previous chapter, art commissions were not only a way of making new art and presenting it publicly they were also one of the most powerful methods, both for artists and commissioners, of gaining recognition. Developing a good reputation by taking part in a prestigious commission was a way of earning what Bourdieu has termed 'symbolic capital'[1] or rather social status, which in turn could transfer into economic capital by acting as a kind of brand of trust that could win an agent (in this case a commissioner or artist) further opportunities for advantageous high profile projects. Bourdieu expresses this well, stating that: "symbolic capital is nothing other than economic or cultural capital when it is known and recognized."[2]

While personal honour is no longer the impetus driving the commissioning of works of art today, the interest and publicity that commissioned art has drawn to commissioning institutions and individuals as well as to artists and their works continues to inspire contemporary commissioners and artists to work together to create new works of art for exhibition and collection.

While this chapter takes the form of a comparative study, investigating the relationships between artists and commissioners and the fruitful collaborations that emerged both during the Renaissance period and in the twenty-first century and draws attention to the use of artist contracts for commissioned artworks and what the language of contracts reveals about commissioning practices, before examining the similarities and differences between collaborations during the Renaissance and the present day, it is first

[1]Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*
Pierre Bourdieu. "Social Space and Symbolic Power". In: *Sociological Theory* 7.1 (1989), pp. 14–25.
[2]Bourdieu, "Social Space and Symbolic Power", p. 21.

necessary to outline some of the commissioning practices that occurred in the interim between these two periods. This will provide a more complete picture of the evolutions in the commissioning of new works of art and how art commissions have changed and developed over time.

During the Renaissance period, the fourteenth – seventeenth century, most of the art that was created was made through a commissioning process. This usually involved an artist and a patron, although patrons also took the form of wealthy families the most reputable of which were the Medici, or institutions such as the Roman Catholic Church in Italy.[3] Most commissions involved an order for a specific work, the details of which were outlined in a contract and agreed upon by both the artist and the commissioner. Renaissance paintings were often viewed as 'sumptuous' objects and were made with costly materials such as gold and other precious pigments such as blue, which was taken from lapis lazuli.[4]

Prior to the fifteenth century artists were considered skilled labourers or craftsmen and even late into the fifteenth century prices for paintings remained low. It was not until the sixteenth century that the term artist began to take on an alternative meaning and artists began to be viewed not only as skilled makers of objects, but also as innovators and thinkers. It is important to mention that competition between Papal families during this time resulted in some of the most notable commissions in the history of western art production.[5] While art commissions during the Renaissance tended to take the form of large-scale frescoes or altar paintings, which were commissioned for a specific site and consequently could not be sold on, by the 1560s this began to change as commissions by the Church had nearly ceased and its reformed practices only allowed money to be spent on art for more modest altarpiece decorations.[6]

[3] O'Malley, *The Business of Art*, p. 42.

[4] Paul D. McLean. "Patronage, Citizenship, and the Stalled Emergence of the Modern State in Renaissance Florence". In: *Comparative Studies in Society and History* 47.3 (2005), pp. 638–664.

[5] O'Malley, *The Business of Art*, p. 21.

[6] N.M. Winberg. "Art and Appropriability in Renaissance Italy and the Netherlands in the Seventeenth Century: The Role of the Academy". In: *De Economist* 145 (1997), pp. 139–158.

It is important to mention that the relatively low number of commissioners, commissioning new works of art for collection, made competition among artists for commissions considerably fierce. This break from site-specific works, such as the large-scale wall paintings commissioned predominantly by the Church and benefactors, had by the seventeenth century moved toward a focus on textiles, curiosities, antiquities and paintings on canvas, and with this change in the mobility of art, from large-scale fresco paintings commissioned for a particular site to smaller-scale paintings created by the artist sometimes independent of a commissioner, a market began to emerge for the consumption of such objects.

It was at this point towards the end of the sixteenth century that art became an investment object, a commodity, that could be readily bought, sold and exchanged.[7] Where the artist had previously failed to be the owner of a commissioned work, as the patron was from the outset funding the creation of the work and deeply invested in its development as well as in its final outcome, changes in the material make-up of works of art, reductions in their scale and their new found portability, presented many new opportunities for artists to sell their works and to market themselves. It also opened-up greater opportunities for creative autonomy, by relieving artists of their reliance on wealthy patrons and their demands for artworks with particular subject matter, composition, colour and other artistic details typical of commissioned works. An issue that will be discussed in greater detail later in the chapter.

This coincided with several important factors, which influenced the market for commissioned artworks, in particular: the emergence of a growing number of art collectors where previously there had been relatively few, the production of portable objects and the development of mechanisms for selling these artworks, either directly through art fairs and exhibitions in their shops or studios or though intermediaries such as art dealers and auctioneers. Beginning in the seventeenth century, these professional intermediaries became key agents in the art market.

[7]Winberg, "Art and Appropriability in Renaissance Italy and the Netherlands in the Seventeenth Century: The Role of the Academy".

As previously mentioned, by the seventeenth century there had been a noticeable change in the number of collectors interested in buying and commissioning art and this corresponded with the major European centres of art gradually moving from Italy, Florence, Venice and Rome to the Netherlands. Antwerp and Amsterdam became the new hubs for art production in the seventeenth century. With the emergence of Antwerp and Amsterdam as the new found major artistic centres came significant change, not only in the number of art collectors, but also in the kind of collectors interested in acquiring and commissioning art.

Where previously art commissions were undertaken by a few wealthy families, at this time not only were art commissioners more plentiful, but also much of the art being bought was by a middle-class clientele. With the rise in the number of individuals actively collecting and commissioning art came other changes such as choices about the subject matter of new works. Where during the Renaissance period paintings tended to focus on religious scenes, these were replaced during the seventeenth century, the period in the Netherlands known as the Dutch Golden Age.[8] Instead, artists began to concentrate on history painting, portrait painting, genre painting, landscape and still life, which while each were valued differently, with portraiture being the most expensive and genre painting at the lowest end, had all grown in popularity by this time. There was, however, a reduction in commissioned art compared to earlier periods as many art collectors began acquiring completed works either direct from artists, through artist guilds, in particular the Guild of Saint Luke, which would later in the century be replaced by academies or at auctions.[9] The exception to this was portrait paintings, which continued to be made by commission.

[8]The Dutch Golden Age was a period in Dutch history, roughly spanning the seventeenth century, in which Dutch trade, science, military, and art were among the most acclaimed in the world. The first half of the period is characterised by the Eighty Years' War which ended in 1648. However, the Golden Age continued in peacetime during the Dutch Republic until the end of the century.(Stephen Quinn and William Roberds. *The Big Problem of Large Bills: The Bank of Amsterdam and the Origins of Central Banking*. 2005. URL: `http://papers.ssrn.com/sol3/papers.cfm?abstract_id=814004`, Last accessed: 7/2/2016)

[9]Koenraad Jonckheere and Filip Vermeylen. "A World of Deception and Deceit? Jacob Campo Weyerman and the Eighteenth-Century Art Market". In: *Simiolus: Netherlands Quarterly for the History of Art* 35.1/2 (2011), pp. 100–113.

The large mercantile class that existed in the Netherlands during this time meant that there were many more portrait commissions as compared to elsewhere in Europe.[10] However, due to the fact that nearly all commissions and subsequent sales of art were private, and between predominantly middle-class buyers whose accounts have not been preserved, these have not been well-documented as compared to other countries.[11] However, while Dutch portrait painting varied from the excessive rhetoric of the aristocratic Baroque, which was common in much of Europe during the seventeenth century, many artists working in the Netherlands at this time were able to maintain their practices by way of commissioned portraits.[12] Most notably, artists like Rembrandt Harmenszoon van Rijn (1606-1669), Frans Hals (1582-1666) and Jan de Bray (1627-1697) as well as those further afield like Sir Anthony van Dyck (1599-1641) (in England),[13] who were able to subsist almost entirely from commissioned portraits.

In the eighteenth century the commissioning of art shifted again as new art centres began to form across Europe, in particular in France, Germany and England. Initiated in the Renaissance, greater numbers of art academies and societies of artists also began to form across Europe, such as the Royal Academy of Arts, London (1768) and this led to the creation of others. These institutions became central in the visibility of art, drawing together artists and staging exhibitions, and in doing so, drawing attention to contemporary artists and their works.[14] This was also the period in which the grand tour became fashionable and aristocratic young men started travelling around Europe buying art. The primary destinations of the grand tour were Italy, Paris and London, though some travelled as far as the Netherlands, Germany, Greece, Spain or Turkey.[15] Many

[10] Neil De Marchi and Haans J. Van Miegroet. "Art, Value and Market Practices in the Netherlands in the Seventeenth Century". In: *The Art Bulletin* 76.3 (1994), pp. 451–464.

[11] Ibid.

[12] John Michael Montias. *Vermeer and His Milieu: A Web of Social History.* Princeton University Press, Princeton and Oxford, 1989.

[13] Marchi and Miegroet, "Art, Value and Market Practices in the Netherlands in the Seventeenth Century".

[14] Stana Nenadic. "Portraits of Scottish Professional Men in London 1760-1830: Careers, Connections and Reputations". In: *British Society for Eighteenth-Century Studies* 34.1 (2011), pp. 1–17, p. 81.

[15] Steven Adams. "Amateurs and Revolutionaries in Eighteenth-century France". In: *Association of Art Historians* 34.5 (2011), pp. 1042–1046, p. 17.

artists benefited from the patronage of grand tourists, who sought portraits of themselves during their travels as mementos and regularly sought out artists to commission. One such artist was Pompeo Batoni, who painted portraits of aristocrats in Rome surrounded by classical staffage.[16]

Also influential, were artist-dealers like Gavin Hamilton and Charles Townley, both wealthy art collectors whose tastes greatly influenced the eighteenth century art market. Hamilton was regularly commissioned to paint young men on the grand tour, but also focussed on history paintings, receiving a major commission to paint the altarpiece of Sant'Andrea degli Scozzesi, the Scottish national church in Rome.[17] Art dealers such as these became very significant in providing support for artists through commissions, materials and artist residencies. Buying art at auction became increasingly popular and opened up additional possibilities for both buying and selling art.[18] New auction houses emerged in England such as Christie's, which was founded by James Christie in 1766, followed by Bonham's (1793) and Phillips (1796, now Phillips de Pury & Company).[19] Beyond the frequent small-scale commissions of aristocratic men on tour in Europe, large-scale commissions were predominantly undertaken by statesmen and politicians like Jean-Baptiste Colbert (1619-1683) or royal patrons such as King Louis XIV of France (1638-1715), whose regular commissions of artists like Charles Le Brun, Pierre Mignard, Antoine Coysevox and Hyacinthe Rigaud, brought such artists wide-spread acclaim across Europe.[20]

Portrait commissions continued to make up a strong proportion of commissioned art in the nineteenth century. In Scotland artists like Henry Raeburn (1756-1823), who was one of the first significant artists to pursue his entire career in Scotland and focussed

[16] Jonckheere and Vermeylen, "A World of Deception and Deceit? Jacob Campo Weyerman and the Eighteenth-Century Art Market".

[17] Nenadic, "Portraits of Scottish Professional Men in London 1760-1830: Careers, Connections and Reputations".

[18] Adams, "Amateurs and Revolutionaries in Eighteenth-century France".

[19] Dries Lyna. "Name Hunting, Visual Characteristics and New Old Masters: Tracking the Taste for Paintings in Eighteenth Century Auctions". In: *John Hopkins University Press* 46.1 (2012), pp. 57–84.

[20] Paolo Coen. "Andrea Casali and James Byres: The Mutual Perception of the Roman British Art Markets in the Eighteenth Century". In: *Journal for the Eighteenth-Century Studies* 34.3 (2011).

on portraiture in particular. Born in Edinburgh and returning there after a trip to Italy in 1786, he is most famous for his intimate portraits of leading figures in Scottish life, going beyond the aristocracy to paint lawyers, doctors, professors, writers and ministers, adding elements of Romanticism to the Grand Manner tradition of predecessors like Joshua Reynolds.[21] Further to this, state commissions were on the rise. In France, Ferdinand Victor Eugene Delacroix (1798-1863), who is renowned for being one of the leaders of the French romantic school, received many government commissions for murals and ceiling paintings. His works were focussed on political events, such as his most famous work *Liberty Leading the People* (1830), an image of Parisians, having taken up arms, marching forward under the French flag in its three bands of colour, intended to represent liberty, equality, and fraternity.[22] Further to this art, critics began to emerge as major patrons of the arts. By the middle of the century Paris had become the auction centre of Europe along with England.

Other commissions were associated with particular artistic movements such as the Pre-Raphaelites, who sustained their independent practices by garnering support from art critics and private patrons, such as the collector and critic, John Ruskin (1819-1900). Ruskin was a leading supporter of the arts during the Victorian era as well as an art patron and philanthropist. He was hugely influential in providing support for artists like the Pre-Raphaelites, a group of English painters, poets, and critics, which came together in 1848 and included, most notably, William Holman Hunt, John Everett Millais and Dante Gabriel Rossetti. The three founders were joined by William Michael Rossetti, James Collinson, Frederic George Stephens and Thomas Woolner to form the seven-member group who became the society of artists, known as the Pre-Raphaelite 'brotherhood'.[23]

[21] Nenadic, "Portraits of Scottish Professional Men in London 1760-1830: Careers, Connections and Reputations".

[22] David W. Galenson and Robert Jenson. *Careers and Canvases: The Rise of the Market for Modern Art in the Nineteenth Century*. National Bureau of Economic Research: Cambridge, Massachusetts, 2002, p. 62.

[23] George P. Landow. *Pre-Raphaelites: An Introduction*. 2015. URL: `http://www.victorianweb.org/painting/prb/1.html`, Last accessed: 10/02/2016.

The rise of art critics and dealers in the nineteenth century became crucial in providing support for young artists. These individuals as art patrons became major players in the nineteenth century, regularly taking risks by commissioning and acquiring work by artists not yet recognised and then selling them on to wealthy private collectors for larger sums. They also produced literature and criticism on the arts, which provided support for certain schools and launched certain artists' careers, in turn making certain artists, whose art they endorsed, more visible. Art dealers, such as Paul Durand Ruel, who commissioned works by the Impressionists, had a central role to play in art commissioning. Paul Cassirer, a German art dealer and publisher, built a substantial reputation for himself as a promoter of new movements in Germany, which he did through his Berlin gallery and publishing house. He is best known for being the first patron in Germany to exhibit works by the French Impressionists.[24]

Other major artists of the century who received significant commissions include American born painter, James Abbott McNeill Whistler (1834-1903). Whistler, who worked predominantly in England, undertook major commissions such as his portraits of Cicely Alexander, the daughter of a London banker (1873), Lady Meux, a high society woman (1882) and Theodore Duret, an art critic (1884).[25] Also well known were his etchings, such as those commissioned in Venice in the latter part of his career. In the 1870s Whistler painted full-length portraits of Frederick Richards Leyland and his wife Frances. Leyland subsequently commissioned the artist to decorate his dining room. This full-scale room commission, entitled the Peacock Room, was commissioned by Leyland, a British shipowner and collector.[26]

By 1837 the contemporary art scene in England was booming. This was largely due to a new wave of collectors who were more interested in buying contemporary art than old master works. Public exhibitions were on the rise and the Royal Academy had grown

[24] *The Jewish Vertual Library*. 2015. URL: `https://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0004_0_04037.html`, Last accessed: 10/02/2016.

[25] *WebMuseum Paris*. URL: `https://www.ibiblio.org/wm/paint/auth/whistler/`, Last accessed: 12/10/2015.

[26] Ibid., Last accessed: 12/10/2015.

in prestige.[27] Other forms of art commissioning were introduced as a consequence of state patronage, in particular, mural paintings. Such commissions encouraged the revival of mural painting, popular during the Renaissance, but which began to reappear in Britain by the middle of the century and would continue into the mid-twentieth century. Notable examples include William Dyce's commission to decorate the Queen's Robing Room in the Palace at Westminster (c.1847-1864) and Charles West Cop's 1844 commission *Meeting of Jacob and Rachel*, where Dyce was one of six painters commissioned to prepare preliminary drawings, coloured sketches, and specimens of fresco paintings for the decoration of the House of Lords.[28]

The nineteenth century also marked the rise of the art museum, and arts institutions began to appear across Europe in ever greater numbers. While museums focussed predominantly on the collecting of historical works rather than on the works of living artists, they nevertheless became one of the primary collectors and exhibitors of works of art, replacing the salon and the art academy. The introduction of museums marked a shift from private taste-driven collections to connoisseurship-driven scholarly collections, which were largely distinguished by genre, with a focus on education rather than prestige.[29] Nevertheless, commissions remained relatively scarce in the context of public museums and galleries and this was likely, at least in part, due to the importance of provenance as well as a reverence for collecting objects with historical value, which was a prerequisite of art entering museum collections. The simultaneous evolution of museums and academic art history also brought about a re-evaluation of artists and schools of painting that had largely been forgotten.[30] In the eighteenth century, for example, few collectors had taken an interest in the early Italian or Flemish schools of painting.[31] A refound interest in and respect for such schools was not just a matter of scholarly

[27] White, *Art Museums: The European Experience*.

[28] Claire A. P. Willsdon. *Mural Painting in Britain 1840-1940 Image and Meaning*. Oxford University Press: Oxford and New York, 2000, p. 182.

[29] White, *Art Museums: The European Experience*, p. 79.

[30] Jeremy R. Howard. "Art Market Economics". In: *Britannica on the Web* (2015), pp. 1–3. URL: `http://www.britannica.com/topic/art-market`, p. 3, Last accessed: 12/10/2015.

[31] Ibid., p. 3, Last accessed: 12/10/2015.

interest, but was also in alignment with various contemporary art movements, most notably the Nazarenes and the Pre-Raphaelites.[32] Despite this, a great deal of art during this period was acquired not by the state itself or the museum, but by wealthy private collectors. The last quarter of the nineteenth century marks a shift from the aristocratic to the plutocratic collector.[33] Wealthy families and individuals such as Baron James de Rothschild, Richard Seymour-Conway and Jaques Seligman led the way in a new and very competitive collector market. This collector market began to fuel art auctions, particularly those in London.

Compared with the Renaissance, a period where art was made almost entirely on the basis of a commission, there were relatively fewer art commissions in the nineteenth century and following the formation of European art collections, public museums and galleries rarely commissioned new work from artists. Much of the art in public museums was acquired through the secondary market by way of auction, or directly through an artist or art dealer.[34] Auctions had become increasingly popular not to mention influential in the nineteenth century and this continued to be so in the twentieth century. Wealthy American businessmen, like Andrew Mellon and J.P. Morgan, began collecting art and were responsible for assembling some of the most important American art collections.[35] Though at the start of the century taste in art was predominantly focussed on the collecting of historical works such as society portraiture, due to its aristocratic underpinnings, this would soon change.[36] In 1913 the United States Congress lifted the tax on the acquisition of artworks less than twenty years old. This, together with earlier noted factors such as the role of art dealers, critics and auction houses in creating commerce around living artists and their works, influenced many collectors to begin buying contemporary art.

[32] *WebMuseum Paris*, Last accessed: 12/10/2015.
[33] Howard, "Art Market Economics", p. 2, Last accessed: 12/10/2015.
[34] White, *Art Museums: The European Experience*, p. 82.
[35] Elsner and Cardinal, *The Cultures of Collecting*, p. 111.
[36] Peter Schjeldahl. "Masterpieces For Sale How Lord Duveen Turned Millionaires into Art Lovers". In: *The New Yorker* (2014), pp. 6–9, p. 7.

Paris continued to be a major art centre and art dealers focussed on the sale of works by the Post-impressionists as well as Cubist and Symbolist works. The art market at this time was largely dealer-led. However, by the middle of the century the primary world art centre had shifted, following World War II, from Paris to New York.[37] This was largely due to the success of a large number of substantial collectors interested in contemporary art and several collectors, who had become refugees during WW II, like Pierre Rosenberg and Peggy Guggenheim, who had left Europe and took up residence in New York.[38] This new focus on New York was also propelled by the powerful triangular relationships that existed between art dealers, critics and museums.

Art auctions also began to play an increasingly important role as greater numbers of important works entered the US market and art increasingly became a vehicle for investment. Commissions took several different forms in the twentieth century, those state-sponsored and those privately commissioned. The majority of commissions took the form of large-scale artworks commissioned for architectural and public spaces or those very rare and much smaller scale artworks such as silver and porcelain commissions. There were also specialised commissions such as those that took place as a consequence of consecutive world wars – World War I and World War II. The British government began to commission artists to document the wars, commissioning official war artists and purchasing their art to create a record and a memorial to the wars.[39] During World War I artworks were commissioned from the best and, on occasion, the most avant-garde British artists of the period, such as Wyndham Lewis, Paul Nash, Christopher Richard Nevinson, John Singer Sargent, Sir Stanley Spencer and Sir William Orpen, who were hired to document the wars.[40] At the outset of World War II a more structured approach was taken to the commissioning and acquisition of war art as a consequence of the formation of the War Artists Advisory Committee, chaired by Sir Kenneth Clark.

[37]David Peters Corbett. *The World in Paint: Modern Art and Visuality in England, 1848-1914*. Manchester University Press: Manchester, 2004, p. 6.

[38]Ibid., p. 6.

[39]Tate. *Tate War Artists*. 2015. URL: `http://www.tate.org.uk/learn/online-resources/glossary/w/war-artists`, Last accessed: 12/10/2015.

[40]Ibid., Last accessed: 12/10/2015.

Commissioned artists included John Piper, Graham Sutherland, Henry Moore, Paul Nash and Stanley Spencer on the home front, and Anthony Gross, Edward Bawden and Edward Ardizzone overseas.[41] At the end of the wars many of these commissioned works were acquired and placed in the Imperial War Museum in London after being exhibited nationally and internationally. Others were distributed to museums throughout the country.

There were also commissions on a larger-scale in the UK and beyond such as state-sponsored mural paintings, which had continued from the nineteenth century. Examples include Sigismund Christian Hubert Goetze's empire murals for the Foreign Office, depicting the origin, education, development, expansion and triumph of the British Empire (1912-1921) and Frank Brangwyn's British Empire Panels (1925-1932), six large works that cover a 280 m2 area.[42] However, this trend began to change following World War II with the transition from state-sponsored mural painting to corporate sponsored commissions. Artists like Brangwyn, for example, were commissioned along with younger artists like Diego Rivera and Josep Maria Sert, by John D. Rockefeller, Jr. to decorate the concourse of the Rockefeller Center (RCA) Building in New York City (1930-1934).[43]

Public mural painting re-emerged and proliferated throughout the twentieth century and these commissions can be seen to have fallen into three distinct phases: the first of which involved abstract expressionist works such as Pablo Picasso's 1958 work, *The Fall of Icarus* commissioned for the UNESCO headquarters in Paris, or the commissioned works by Fernand Ledger, Joan Miro, and Marc Chagall to decorate the Paris Opera and Lincoln Center, New York City. The second phase was linked to mural paintings commissioned in Mexico following the Mexican Revolution, which began in the 1920s. Examples include, now world-renowned works such as the frescoes by Jose Clemente

[41] Tate, *Tate War Artists*, Last accessed: 12/10/2015.

[42] BBC News. "Brangwyn Hall Swansea - Home of the Empire Panels". In: *BBC News Architectural Heritage* (2003). URL: `http://www.bbc.co.uk/legacies/heritage/wales/w_sw/article_2.shtml`, Last accessed: 10/02/2016.

[43] *The Rockafeller Center*. 2005. URL: `http://www.nyc-architecture.com/MID/MID055.htm`, Last accessed: 10/02/2016.

Orozco, Diego Rivera, David Alfaro Siqueiros, and Rufino Tamayo.[44] Lastly, the third phase includes works commissioned in part of the Works Progress Administration's Federal Art Project, developed with US federal sponsorship, which commissioned new works for public buildings such as the mural paintings commissioned for Coit Memorial Tower in San Francisco or works commissioned by artists such as Ben Shahn, Boardman Robinson, Thomas Hart Benton, Reginald Marsh, and John Steuart Curry among others.[45]

Works like that of Brangwyn for example, mentioned above, are significant because they reflect the changed nature of art commissions during this period. Another well-known commission by Brangwyn, was his commission to decorate the first class dining room of the Canadian Pacific liner, RMS *Empress of Britain* (1930-1931). While Brangwyn is best known for the British Empire Panels (1925-1932), these other commissions show the evolution of commissioned art both in relation to context (the transition from interior to exterior mural painting), but also with regard to who was commissioning them (e.g.: the move from state funding to private patronage or corporate sponsorship).[46]

It is important to mention that state-sponsored art commissions were a significant form of political propaganda throughout the twentieth century both in Europe and further afield, used as a tool to support particular political goals. Some world-famous mural paintings can be found in locations beyond Mexico and the US, other notable examples appear in Ireland; England; Los Angeles, California; Russia; Nicaragua; Cuba; Serbia and in India. State-sponsored public artworks, such as mural paintings, have been used by political regimes as a tool with which to mobilise people towards certain political and social ideologies. This can be seen in the Mexican mural paintings of the 1930s and in the communist-inspired mural paintings of the Cold War era.

[44]Doris Bravo. *Mexican Muralism: Los Tres Grandes David Alfaro Siqueiros, Diego Rivera, and José Clemente Orozco*. 2010. URL: `https://www.khanacademy.org/humanities/art-1010/art-between-wars/latin-american-modernism1/a/mexican-muralism-los-tres-grandes-david-alfaro-siqueiros-diego-rivera-and-jos-clemente-orozco`, Last accessed: 10/02/2016.

[45]Susan Landauer, William H. Gerdts, and Patricia Trenton. *The Not-So-Still Life A Century of California Painting and Sculpture*. University of California Press, Berkeley, 2003, p. 66.

[46]While private art commissions fall outside the scope of this thesis, they are nonetheless part of the history of commissioning and examining them highlights shifts in the nature of art commissioning between the Renaissance and the twenty-first century and therefore merit mention.

By the 1990s, governments throughout North America, Europe and the UK started national campaigns for 'Percent for the Arts', which was introduced in the previous chapter, that involved the commissioning of new works for public buildings. This scheme was set up with the aim of allocating approximately two percent of the cost of any new public building to the making of art. Government sponsorship of new art changed considerably in the second half of the twentieth century expanding to include greater numbers of commissions which varied in range and scope, from those commissions for public spaces and buildings to larger an more ambitious commissions for exhibitions and eventually for museum collections. However, it was not until the start of the century that art commissions began to increase as a more regular practice for public arts institutions, as governments across Europe and in the United States began to support art commissioning practices both within and outside the context of public museums and galleries.

While commissions have been a part of the making of new art from the Renaissance through to the twenty-first century, art commissioned by public arts organisations, outside of those previously outlined have been relatively scarce until the end of the twentieth century. At this point there was a sudden shift in museum practice where commissioning is concerned. This has been attributed to an increased recognition of the positive benefits that commissioning new work from artists can have in the development of art collections. It is this sudden shift towards commissioning practices during the period (2000-Present) that is the focus of this research and the significance of this will be argued in the context of this chapter as well as in the subsequent chapters of this thesis.

Returning now to the Renaissance period, between the fourteenth and the sixteenth century collaborations between artists and commissioners resulted in many of the most innovative and ambitious works in the history of European art and thus commissioner-artist relationships from this period are particularly instructive to the study of contemporary art commissioning and the importance of communication and negotiation. Commissioned altarpieces, frescoes and sculptural works from this period and surviving written contractual documents, inventories and letters, which document the processes of

their making, provide useful information about the relationships between commissioners and artists, the roles they held, and their mutual responsibilities in the realisation of *new*[47] works of art.

However, despite the usefulness of such trans-historical comparisons in elucidating some of the sociological and psychological features of art commissioning processes that reappear over time, it is important to mention that there are considerable disparities between these two time periods. Changes in the ontology of the artwork make direct comparisons between different periods somewhat complex. In contrast to the twenty-first century where artworks remain the property of the artist until legally acquired by a collector, during the Renaissance commissioned artworks tended not to belong to the artist even prior to the work being acquired and paid for in full. This was in part due to the fact that many of the paintings commissioned during the Renaissance were created in-situ and were painted directly onto the walls of a particular site selected and sometimes owned by the commissioner. Thus, many frescos were owned by the commissioner from the outset of a commission. There have also been significant changes in what constitutes an artwork. In particular, the introduction of Conceptualism,[48] introduced in the twentieth century, and challenged preexisting interpretations of art, which identified artworks as monisms, unique creations that could not be separated from the object itself. Instead Conceptual art expanded the boundaries of what constitutes a work of art by emphasising the idea underpinning a work of art rather than a material object. This enabled multiple instances of the same work to exist, even simultaneously, "the thought being that in the case of at least some works, adequate technologies of reproduction yield more than one instance of an artistic artefact, and therefore of the work."[49]

[47] I use 'new' to denote all works of art very recently made or those purchased upon or very near to the time they were completed by the artist.

[48] The term conceptualism places the value of works of artwork on the artist's idea, or concept, and may exist set apart from and in the absence of an object as its representation. Conceptual art often relates back to the work of Marcel Duchamp, whose Readymades shifted the definition of the artwork. Many Conceptual artists following this tradition abandoned beauty, rarity, and skill as measures of art, placing concentration instead on the concept or idea behind the work.

[49] Wieand, "Duchamp and the Artworld", p. 155.

This ontological shift has had a considerable impact on the notion of the artwork as well as on where its value lies, which as I will point out later on in the chapter, is very different from how artworks were valued during the Renaissance. These as well as other more readily traceable distinctions stand out between the two periods. In particular, the steady increase in the scale, variety and kinds of materials used by artists in the making of their artworks in the twenty-first century and the rapid advancements in technology both following the industrial revolution and more recently in the way of computer and internet-based technologies, have led to profound changes in the ontology of visual artworks. Contemporary artists have adopted an entirely new visual language, which is of considerable remove from that applied by artists during the Renaissance period. Nevertheless, despite these changes in the ontology of art, cross-cultural comparisons still prove instructive in highlighting important features of commissioner-artist relationships and how such exchanges influenced the creation of newly commissioned art, offering useful information for both contemporary commissioners and artists seeking successful collaborations.

The continued success of commissioner-artist collaborations has made the practice of commissioning one of the most intriguing and long-lasting models for making and collecting art, but also, as this chapter will demonstrate, one of the most risky. This is due to the fact that while commissions have tended to facilitate the making of ambitious art for a particular site, context or locale, unlike with the purchase of an existing work of art, investing in an "as of yet unmade work of art" introduces the possibility for artistic failure and with it the potential for loss of investment and reputation for both commissioners and artists.[50] It is in part the risk of loss of investment that has made the commissioning of art a trust-based practice – a joint venture motivated by shared interests – which distinguishes it as a practice from the buying of an extant work of art. This is also why the reputation of both artists and commissioners is of particular importance as collaborations which yield high quality artworks tend to influence the

[50]Hanley, "Acquiring the Ineffable: Investigating Production and Policy for Contemporary Visual Art in Municipal Museums and Galleries in Scotland".

prestige associated with certain artworld agents and could lead to further commissioning opportunities. In this sense an actor's positive reputation, rank or title and the prestige associated with his or her status holds a particular value. This value, which is at its outset conceived as purely symbolic, as Bourdieu pointed out earlier, is in fact synonymous with economic value, since as he asserts, "the nobiles (etymologically, those who are well-known and recognized), are in a position to impose the scale of values most favorable to their products-notably because, in our societies, they hold a practical de facto monopoly over institutions which, like the school system, officially determine and guarantee rank."[51] In other words an individual's 'symbolic capital' or prestige can not only influence the value associated with their work, by way of perception, it can also extend to the opportunities offered to them by way of greater chances to work or otherwise in additional sales of their work. This holds true for both artists and commissioners for the reasons previously noted.

The commissioning of art is determined by a very unique set of legal stipulations, which distinguish it contractually from the sale of an existing work of art. It is this distinction, the investment in an artist's skill, expertise and labour rather than the fruits of that labour (e.g.: the art object) as a material good, that underpins the uncertainty involved in the commissioning of art and, as a process, its vulnerability to risk. It merits mention that while investing in the commissioning of a bespoke work of art as an alternative to buying existing art 'off-the-rack' introduces a degree of added risk to the purchase of a new work, it also, as this chapter will illustrate, can offer particular benefits to both commissioners and artists.

Throughout the Renaissance era commissioning was the primary means through which works of art were made, collected and exhibited publicly. This was suggested by Creighton Gilbert in his article, *What Did the Renaissance Patron Buy?*, which discusses the roles of Renaissance artists and commissioners in the development of commissioned works of art. Here he claims that: "Indeed, it is a commonplace to say that Renaissance

[51] Bourdieu, "Social Space and Symbolic Power", p. 21.

art is the product of commissions."[52] Gilbert's central argument references the title of his article which, framed as a question, suggests that Renaissance patrons were buying more than just finished objects, rather they were investing in the innovation, expertise and experience of particular artists.

Today, there are many different channels through which works of art are made, accessed and enter into commercial streams and while commissioning practices have continued to facilitate the making of contemporary works of art for public display, in the context of museum collecting they have become relatively peripheral to other models compared to institutional collecting in earlier periods. These commercial streams include: buying work directly through an artist's studio or from his or her dealer, auction sales, resale purchases through a private collector, gifts or bequests. As discussed in the preceding chapter these commercial streams have evolved since the Renaissance period to become more significant in number and kind.

While there is evidence of commissions prior to the Renaissance and commissioning proceeded as a practice into the seventeenth, eighteenth and nineteenth century, the diminished use of commissioning as a mainstream practice for public exhibitions and as a model for art collecting since the Renaissance is curious, especially when considering the rich scope of ambitious work commissioned during this period.

Throughout the Renaissance, wealth and art commissioning were deeply connected. Artists were reliant on the abundance of support from, in particular, the Catholic Church and its factions, in order to make ambitious work and to gain public recognition, and commissioners needed money to sustain experienced artists to make art that supported their political, economic and social purposes. The reputations of artists were, at least in part, elevated by working with particular commissioners, while in-turn working with highly acclaimed artists also further supported the reputations of commissioners.

[52]Gilbert, "What Did the Renaissance Patron Buy?", p. 408.

The abundance of commissions during the Renaissance was in part a product of the wealth brought into Italy between the fourteenth and the sixteenth century as a consequence of increased trade to Asia and Europe.[53] This underpinned the vibrancy of economic life in Italy during this period, which was reflected in the proliferation of commissioned works during this time and in the fees paid to artists for them. This was underpinned by O'Malley, who states that:

> "The evidence of the balance between wages and prices suggests that from the mid-fourteenth century to the late-fifteenth, painters ran businesses in relatively stable civic economic circumstances. The wages they paid to assistants and specialist gilders, the material costs they covered for woodworkers, the prices they paid for pigments and materials and the labour costs they paid for transporting their workshops and for delivering their altarpieces did not change much over the course of their careers. This would have mitigated the risk that painters undertook in accepting commissions, since their expenses could largely be foreseen. This stability of quantifiable economic factors gives force to the view [...] that [commissions and] prices for works of art were often driven by contingent factors."[54]

However, despite this period of affluence, the wealth of the Papacy and the Church in Italy was gradually dismantled as a consequence of consecutive wars, most notably the Great Italian Wars, otherwise known as the Habsburg–Valois (1494–1559) and eventually the Napoleonic wars, during which time Italy became a client state of the French Republic (1796–1814).

Another event which precipitated drastic social change and had negative impacts on arts commerce, particularly in Tuscany, was the rapid decline in population that resulted from the Black Death (the plague) that hit Italy in 1348, depleting much of the workforce in the region, most notably in Florence and weakening what had previously been a strong and thriving economy. It is widely acknowledged that these factors contributed to the shift from the commissioning of art by the Church for public exhibition to a greater concentration on the private commission as a consequence of its tempered

[53] O'Malley, *The Business of Art*, p. 16.
[54] Ibid., p. 19.

economic position. These issues, argues O'Malley, which impacted both economic performance and civic life for artists and commissioners, are "bound up with one of the most pressing issues challenging the evaluation of Renaissance life: how widely wealth was distributed in society and who had disposable income to spend and invest."[55]

Commissioning had a visible and well-understood role in the making and buying of art during the Renaissance. It was a common practice, and the concept of the ready-made artwork was less significant and important. This has flipped over time and in particular in the context of the museum, where from the outset commissions were used very peripherally to the acquisition of pre-existing works, only reemerging as a practice in the late twentieth and early twenty-first century. This renewed interest has been the result of several factors. In particular, the thrust of millennial projects that have supported the making of ambitious art, drawn new audiences to public museums and galleries and stimulated greater interest and investment in contemporary visual art and cultural institutions. In addition, the acknowledgement of the potential of commissions to result in cost-effective purchases, which have enriched public art collections by strengthening the scope of contemporary art works they represent, has led to its increased use as a strategy for collecting.[56] Further to this, has been a growing awareness of the benefits of working directly with artists to create new work for a particular site or context. Despite the possible benefits commissions have offered to museums and the very recent growth in publicity around them, the commissioning of contemporary art in the context of public art collections is not yet a mainstream practice. The slowness with which museums and galleries have adopted commissions as a regular part of their collecting activities merits attention. This shift away from commissioning, once a mainstream practice during the Renaissance, together with the very recent renewed interest in commissioning at the start of the twenty-first century, has raised questions about

[55] O'Malley, *The Business of Art*, p. 19.

[56] The term cost-effective is used relatively here, to describe a number of recent examples that are mentioned in the subsequent chapters of this thesis, whereby commissioning an artist to make a new work rather than buying an existing work from that artist results in the commissioning organisation obtaining a much more substantial work by the artist for their investment than they would have if they had bought a pre-existing. In other words cost-effective means obtaining the most possible for the investment made.

both the benefits and difficulties involved in art commissioning, and in particular, its potential as a model for collecting contemporary art.

One of the central issues that has recently come into focus in the context of contemporary commissioned art is the risk of investing in 'as of yet unmade' works of art.[57] This is because unlike with the buying of an existing work of art, commissions facilitate an investment in a process, the results of which are uncertain until a work is complete. Consequently, art commissioners are investing in unknown artworks. Moreover, while legal documents such as contracts and commissioning agreements outline the various stipulations and check points of a commission, and can provide an additional point of security for both commissioners and artists, until an artwork is complete the possibility of artistic failure is immanent as is the chance that the resulting work may not satisfy the expectations of the commissioner.

In the case of public institutions, which are reliant on central and local government funds for support, the loss of investment and reputation that could result from a failed commission could be damaging to both the artist and the institution and will require justification to funding bodies. Both parties, commissioner and artist, thus hold a significant stake in a commission and in doing so accept the risks associated with it, since each party is reliant on the other in order to maintain their investment in the project. In doing so, both parties are trusting in the experience, honesty and professionalism of the other to fulfil their respective parts of the agreement, and together, to deliver a successful work of art that satisfies both their purposes. As this chapter will demonstrate, the inherent risks involved in commissioning reappear throughout the history of art and Renaissance examples have proved particularly useful in elucidating information about the relationships between commissioners and artists and how they managed these issues while working to achieve their mutual goals. Renaissance contracts shed light on how commissioned works were produced and demonstrate the importance of trust-based relationships in the development of artworks commissioned at that time.

[57]Hanley, "Acquiring the Ineffable: Investigating Production and Policy for Contemporary Visual Art in Municipal Museums and Galleries in Scotland".

The potential losses of investment and reputation that could result from a failed commission were key concerns for both commissioners and artists. Throughout the Renaissance and today these issues continue to influence the level of commitment and support offered by public museums and galleries for commissioning and collecting contemporary commissioned works.

Examining examples of Renaissance commissions and comparing them with contemporary commissioning processes highlights particular issues that both contemporary commissioners and artists and their Renaissance predecessors faced when commissioning artworks. Key themes such as risk, trust, reputation, prestige and collaboration in the commissioning of art reappear throughout history. Investigating how these issues have factored into commissioning processes at different points in history offers scope for understanding the fragile social dynamics that exist between contemporary commissioners and artists and the impacts that these negotiations can have.

While there is evidence of commissions that significantly predate the Renaissance, the rich period of artistic production between the fourteenth and the sixteenth century, particularly in Rome and Florence and later in Mantua, marks a strong starting point for an investigation into the history of art commissioning for two primary reasons. First, during this period commissioning was the central mechanism through which new work came into being (e.g.: commissions undertaken by religious institutions served a similar role to art museums, in that they were then the primary means through which the public gained access to art) and second, there is a wealth of primary source material in the form of contracts and letters that exist from this period, which together offer detailed information about the politics, motivations and relationships at play at the time. This is underpinned by Jonathan Nelson and Richard Zeckhauser who write that the Renaissance period is "[...] the first in Western history for which we have considerable primary literature on patrons and on commissions, including prices and often, contemporary reactions to works."[58] These contracts reveal a wealth of information about how

[58]Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*, p. 9.

commissioned works were produced, what difficulties and challenges commissioners and artists faced, the roles of each in the development of a new work and how such processes were underpinned by issues such as competition, reputation and prestige, which each had a part to play in the cooperation that was necessary for successful collaborations between commissioners and artists. This provides a rich historical context for the study of contemporary commissioned art, where we find many similarities.

There is a vast amount of primary and secondary literature that explores Italian Renaissance commissions, in particular those which provide details about the commissioning practices during this period.[59] These works examine key themes in the history of commissioned art and provide further support for the main issues presented in this chapter. Concentration is placed on the key issues underpinning the making of commissioned art, which have reappeared over time in the context of both Renaissance and contemporary art commissions.

This chapter is split into two parts, the first part is an overview of Renaissance commissions, and focusing on specific examples, it explores the importance of collaborations between artists and commissioners, investigating the role of both oral and contractual agreements in outlining the mutual responsibilities of each party in the making of commissioned works of art. Collaborations between commissioners and artists are examined in relation to decision-making processes and how these exchanges contributed to achieving both parties' individual and collective aims. The second part examines the more elusive features of commissioning and investing in bespoke artworks, highlighting the important role that risk has played throughout the history of commissioning and how other issues such as cooperation, prestige reputation and competition relate to practices of commissioning where risk is concerned. Risk and trust are examined here in accordance with the benefit-cost matrix for commissioner-artist collaborations as set

[59]Solkin, *Painting for Money The Visual Arts and the Public Sphere in Eighteenth Century England*
Gilbert, "What Did the Renaissance Patron Buy?"
O'Malley, *The Business of Art*
Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art.*

out by Nelson and Zeckhauser in their 2008 work.[60] This analysis draws support from the sociology of risk and the theory of 'collective-creativity', introduced more fully in the following chapter, which provide a theoretical basis for the collaborations and group dynamics that underpin the collective choices of commissioners and artists working toward a common goal.

Examples of contemporary commissioning contracts and data from very recent interviews with arts professionals actively involved in commissioning practices, reflect the evolving roles of commissioners and artists in the making of contemporary commissioned art. Comparisons between historical and contemporary examples are introduced throughout the chapter, using the language of contractual agreements as a basis for examining key issues that reappear at different points in history. Specific Renaissance contracts are introduced, which I use to create a framework to investigate the significant features of contemporary commissions, how the practice and language of commissioning has shifted and why this is important. These two parts, together, outline the inherent legal and social exchanges that distinguish commissioning practices during these periods from other channels of visual art production and underpin its evolution. Drawing on both historical and contemporary examples, this chapter illustrates how changing perceptions of the risks associated with art commissioning as well as other factors such as competition, reputation and prestige have led to shifts in its use as a strategy for collecting emerging works of art.

1.2 Contracts

Many of the works of art commissioned for Renaissance chapels, places of worship, early guilds and civic buildings would eventually in the eighteenth and nineteenth century form the centre pieces of public museums and galleries across Europe. These commissions have

[60] Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*.

provided legacies that have continued to intrigue and instruct contemporary audiences several centuries after they were made.[61,62]

However, while there are numerous examples of Italian masterpieces represented in museums and galleries throughout the world, the provenance of these works vary. Historical events such as changes in leadership, the impacts of war and cultural and political shifts have located Renaissance artworks in art collections worldwide.

Contracts and letters from this period have proved particularly instructive in elucidating information about the provenance of Renaissance artworks. A few notable examples from this period that sketch some of the possible routes works of art have taken before entering into public art collections are noted here. While the following examples of commissioned works are only a few of the many altarpieces, architectural reliefs, large wall-frescoes and free standing sculptures now owned by museums and galleries that survive from this period, they demonstrate how commissioning played a part in the formulation of European and North American art collections.

The series of paintings by Andrea Mantegna and Lorenzo Costa, (circa 1500-1511), commissioned by the Marchioness Isabella d'Este (1474–1539) of Mantua for the Castello di San Giorgio, which were subsequently passed on to the Duke of Mantua, Charles Gonzaga (1580–1637), who then gifted them to Cardinal-Duc de Richelieu (1586–1642) of France.[63] The paintings belonged to several collections in Paris before eventually becoming part of the permanent collections owned by the Museè du Louvre. Other examples include Botticelli's Bardi Altarpiece of 1484 (Figure 1.1) for the chapel of Giovanni

[61]Information on early artist guilds can be found on the Museums of Florence Website. "Museums of Florence Website: "Ospedale degli Innocenti" (Hospital of the Innocents)". In: (2012). URL: `http://www.museumsinflorence.com/musei/ospedale_degli_innocenti.html`, This introduces specific examples of Renaissance guilds such as the "Ospedale degli Innocenti" (Hospital of the Innocents) an early fifteenth century Florentine guild, that was commissioned and managed by the Arte della Seta or Silk Guild of Florence and built by Filippo Brunelleschi. Last accessed: 10/02/2013.

[62]For the history of public museums in Europe and the US see: White, *Art Museums: The European Experience*

Andrew McClellan, ed. *Art and its Publics Museum Studies at the Millenium.* Blackwell Publishers Ltd., Oxford, 2003.

[63]For further details of this commission and provenance, see: (Gilbert, "What Did the Renaissance Patron Buy?", pp. 416–420).

d'Agnolo de' Bardi in Santo Spirito, which was replaced by Vignola's *Beata Chiara di Montefalco* when the chapel was redesigned in the mid-seventeenth century. In 1825 Boticelli's work was sold by the Bardi family to a Florentine dealer, who subsequently sold the painting to the Staatliche Museen zu Berlin in 1829, where it remains today.[64]

The last example, Raffelino del Garbo's Antinori Altarpiece (circ. 1494–1500) from Santo Spirito, was purchased by American tycoons John and Mable Ringling for their private collection, which would eventually become part of the permanent collection of the John and Mable Ringling Museum of Art in Sarasota, Florida. The preceding examples illustrate how commissioning processes were responsible for the making of a number of major Renaissance works that have become the corner stones of public museums and galleries across Europe and North America and some of the most important sources of information related to this period that exist today.

This chapter on artist contracts and the language and etymology around commissioning focuses on contractual agreements in the context of Italian Renaissance commissions as compared to contracts produced more recently for contemporary works of art. It will examine what the language of contracts demonstrates about the relationships between commissioners and artists and how contracts were used to negotiate certain risks in the making of commissioned works of art historically as compared to today.

Throughout the Renaissance the commissioning and collecting of commissioned artworks were conjoint practices and were outlined as such in notarised contracts. In the *Business of Art*, which surveys a large number of Renaissance contracts, Michelle O'Malley argues:

> "Contracts of paintings were contracts of sale or work, in which the painter agreed to supply a finished object at a particular time and to provide all the materials necessary for the job. For most commissions the sole requirement of

[64]For the painting's provenance, see: (R.W. Lightbrown. *Sandro Botticelli*. University of California Press, 1978, p. 56) and A. C. Blume. "Giovanni de'Bardi and Sandro Botticelli in Santo Spirito". In: *Jahrbuch der Berliner Museen* XXXVII (1995), pp. 169–183, p. 169.

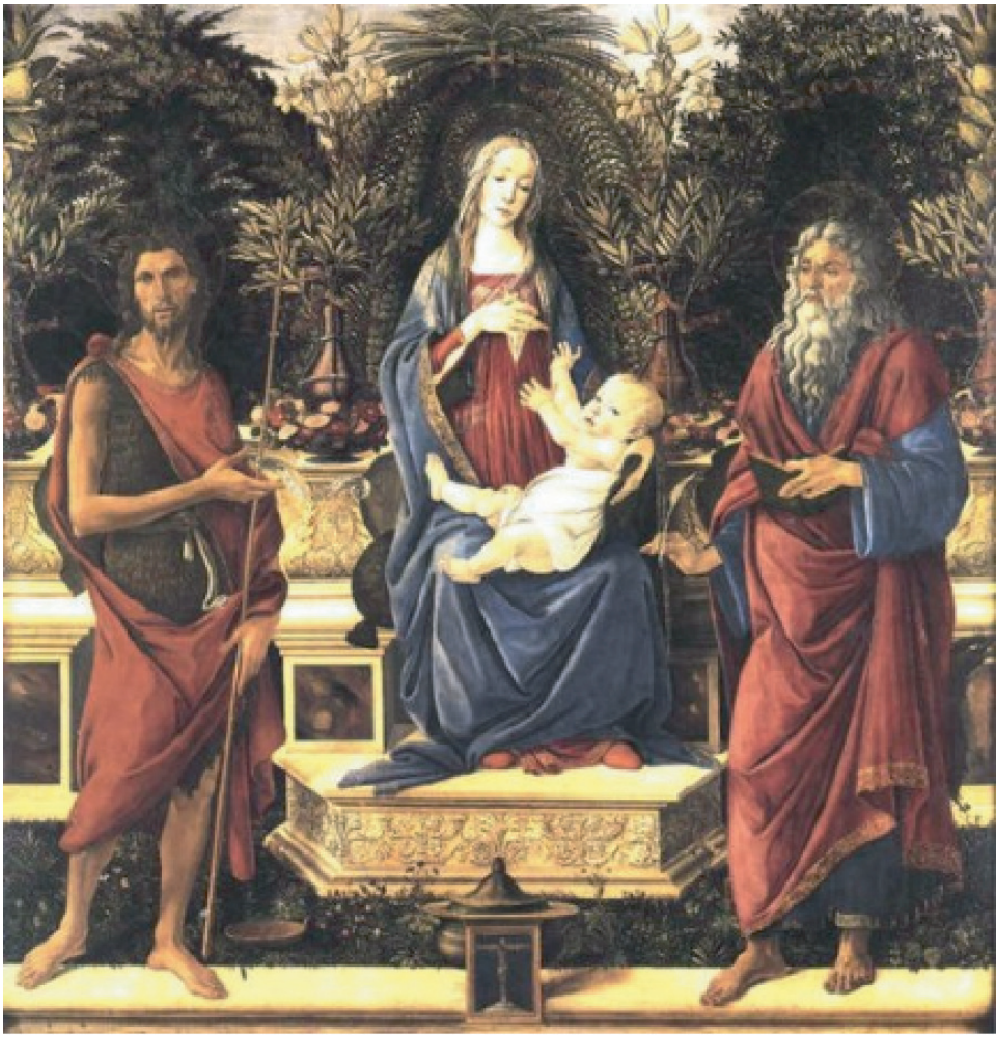

Figure 1.1: Sandro Botticelli, c.1445-1510, *Virgin and Child Enthroned (Bardi Altarpiece)*, 1484, Tempera on panel, Dimensions: Height: 185 cm (72.8 in). Width: 180 cm (70.9 in). Staatliche Museen, Berlin. Photo 2007 bpk/Staatliche Museen zu Berlin, Jorg P. Anders. For photo see: http://www.wga.hu/html_m/b/botticel/22/50bardi.html. Accessed: 13/07/2013.

the client was to pay the painter. The form of these contractual agreements developed within the ancient Roman public building programme and survived on the Italian peninsula for over fifteen hundred years."[65]

[65] O'Malley, *The Business of Art*, p. 2.

In the previous citation, O'Malley posits that Renaissance contracts denoted payment for the sale of a painting (contract of sale) or the labour (or work) involved in making it. This exposes a more fluid arrangement than is often the case with contemporary contracts, as it indicates a fusion between a contract of sale for a work of art and payment for the labour involved in its making, which today are discrete legal arrangements.

The nature of contracts for commissioned artworks have undergone certain changes from then until now most notably a commissioning agreement today is a separate legal document to a contract of sale for a work of art.

Comparisons between Renaissance and contemporary contracts, such as those outlined in the MCA contract and the contract of 1445 in the following section, show a clear shift in the focus of commissioned works, from an emphasis on the object in the former to a concentration on the conceptual design and production process involved in the making of a new work in the latter. This becomes clear when comparing contemporary contracts to those written during the Renaissance. In both cases, contracts frequently include an artists' fee clause, in the former the fee includes an initial payment for work and a second payment for ownership of the artwork where as in the latter the artist's fee is for the process of making alone, thus emphasising a sociological and etymological shift in focus.

It is curious that the formula of contractual agreements used by artists and commissioners throughout the Italian Renaissance and long before, which included by extension a purchase clause, would over time be dispelled and distinguishing when and why this occurred is a central concern of this thesis.

Both during the Renaissance and in contemporary times, artist contracts have continued to be distinct documents. It is therefore difficult to identify any one contract as typical. As Vivien Lovell, Director of Modus Operandi Art Consultants suggests: "There is no single methodology for commissioning art, whether for a gallery, home or

the public realm."[66]However, while contracts vary from commission to commission and the legal stipulations they include have evolved, be it subtly, over time, they frequently include common groups of information. By analysing both Renaissance and contemporary contracts for commissioned artworks and the language they use, and making simple comparison between them, a number of both practical and theoretical similarities as well as changes in the commissioning model are revealed. These similarities have proved instructive to an investigation of the roles and responsibilities of commissioners and artists in the commissioning of contemporary works of art.

It is important to mention that there is variation between contracts written in the same period, as contracts are unique documents which vary depending on the parties involved and the constraints imposed by the commissioner. Because contracts are unique documents, comparisons should not be seen to reflect the commissioning of art in general or to advocate for commissions in other periods, but instead, a close analysis of two sample contracts has helped to highlight some of the key issues that appear in both Renaissance and contemporary art commissions. These have proved useful when interpreting the choices of commissioners and artists in the making of contemporary commissioned art.

The following contractual agreement written in Sansepolcro in 1445 between Piero della Francesca and the Confraternity of Misericordia is faithful to the language and format frequently used in Renaissance contracts, as made available in English by O,Malley.[67] The details of which, include: the titles of the commissioners, the named artist, the limits of the legal agreement and the deliverable aspects of the artwork. These will be examined in the following two sections of this chapter. The contract reads:

> "The most worthy men Piero di Lucca Benedetti, Priori, Papus di Simone de Doctis, Guasparre di Niccolo Martini and Ambrogio Massi, Councils of the said Prior, Giovanni di Fichi, Giuliano de' Doctis, Giuliano di Matteo

[66]For guidelines on commissioning contemporary art or for more general information on commissioning tools and contractual information, see, respectively: (Lovell, "Commissioning Guidelines" Lydiate, "Public Art Commissions - Good Practice", Last accessed: 10/02/2013)

[67]O'Malley, *The Business of Art*.

> Ciani and Michelangelo Massi, men elected *ad hoc*, on behalf of the Society and men of the Santa Maria della Misericordia, give and concede to Piero Benedetti, son of Piero Benedetti, painter, the making and painting of an altarpiece in the oratory and church of this Society, like that which is now there. [It is to be made] with those images and figures and embellishments that will have been told to him by the above-named Prior and Councillors or their successors in office and by the said other elected men named above, and gilded with fine gold and coloured with fine colours, especially ultramarine blue. This is on condition that the said Piero is held to restore at his own expense every imperfection that the said picture will show over the course of time up to ten years, on account of a defect of the wood or of the said Piero. And for all of the foregoing they establish with him the payment of one hundred fifty florins [artist fee], at the rate of five *lire* and five *soldi* per florin. Of which they promise to give now, at his request, fifty florins and the rest at the completion of the altarpiece. And the said Piero promises to make and paint and decorate and install the said altarpiece to the height and width and in the manner and shape of that [altarpiece] of wood which now is there, and to deliver it completed and installed within the next three years, according to the above written conditions and the qualities of the colours and fine gold. And no other painter may put his hand to the brush except the painter himself."[68,69]

If we trace the key stipulations listed in the contract of 1445 and we compare them with those listed in the following contemporary sample contract written by Lela Hersh, originally for use by the Museum of Contemporary, Chicago (MCA), and later

[68] O'Malley, *The Business of Art*, p. 5.

[69] The original text, first transcribed in Milanesi (1891:91) and reprinted in O'Malley (2005), is included here. The translation applies modern punctuation: "MCCCCXLV die xj mensis iunii Egrigii viri Petrus Luce benedicti, prior, Papus Simonis de Doctis, Guasparre Niccolai Martini, Ambrosius Massi, consiliarii dicti prioris; Johachinus de Pichis, Julianus de Doctis, Julianus Mathei Ciani, et Michelangelus Massi, homines electi ad hec; vice et nomine Societatis ad foggiam eius que nunc est, cum toto suo lignamine et omnibus suis sumptibus et expensis de toto fornimento et ornamento picture et positure et locature in dicto oratorio; cum illis ymaginibus et figuris et ornamentis sicut sibi expressum fuerti per suprascriptos priorem et consilium uel suos successores in officio, et per dictos alios supra electos: et deauratum de fino auro et coloratam de finis coloribus et maxime de azurro ultramarino: cum hac condictione, quod dictus Petrus teneatur ad reaptandum suis expensis omnem maganeam quam faceret et ostenderet dicta tabula in processu temporis usque ad decem annos propter defectum lignaminis velipsius Petri.Et pro predictis omnibus constituerunt sibi de mercede florenos CL ad rationem librar. v at sol. v pro floreno. De quapromiserunt dare nunc ad eius petitionem florenos quinquaginta, et residuum, finita dictabula. Et dictis Petrus promisit dictam tabulam facere et pingere et ornare et ponere ad latitudinem et altitudinem et foggiam prout est illa que nunc est ibi de ligno; et dare expletam et positam et locatam infra tres annos proxime futuros; cum suprascriptis condictionibus, et qualitatibus colorum et auri finorum; et quod nullus alius pictor possit ponere manum de penello preter ipsum pictorem Milanesi."(ibid., p. 5).

altered for the Whitney Museum of American Art, New York,[70] a number of important features of the two contracts are revealed. The key excerpts from the MCA contract are included here and a comparative analysis of the contract of 1445 and the MCA contract will follow in the subsequent section:

> "AGREEMENT FOR COMMISSIONED INSTALLATION/ARTWORK Exhibition Title: title
>
> Installation/Artwork Title: title of work (the Installation/Artwork).
>
> Exhibition Dates: dates
>
> This Agreement is made the N day of month , year, between the Name of Museum (NoM), a State not-for-profit corporation, address, City State zip, and artist name (Artist), address (address) for the purpose of defining the Artist's preparation of the Installation/Artwork, an installation at NoM.
>
> For valuable consideration NoM and the Artist agree as follows:
>
> 1. Creation, Display of Installation/Artwork. The Artist agrees to conceive, research, produce, and participate in the fabrication and installation of the Installation/Artwork, which shall be completed and installed no later than 2 days prior to the exhibition's public opening, scheduled for month, day, year. The Installation/Artwork shall remain on public view at venue name and address from the date of installation through date, subject to earlier removal at the sole discretion and expense of NoM. Artist agrees to advise NoM regarding the dismantling of the Installation/Artwork if NoM exercises its option for early removal.
>
> 2. Description. The materials for this Installation/Artwork, as listed in Appendix A, are to be provided by the Artist.
>
> 3. Compensation. (a) As full compensation to the Artist for performance of services and provision of his/her supplies pursuant to this Agreement, NoM shall pay to the Artist a maximum of total fee for documented expenses (the Fee), as agreed to and indicated in the attached budget (Appendix B). NoM's total financial responsibility for realization of this project is limited to the maximum budget of $ total fee, including NoM's fabrication costs.
>
> (b) Payment shall be made as follows: an advance payment of $——-, fifty percent (50 %) of the Fee within 10 business days following execution of this

[70] A blank commissioning agreement/contract is used here in the place of an actual contract that would include the particular names and specifications involved in the commission. This was used in order to protect the privacy and rights of the artist(s) and institution(s), who used this contract to commission a new artwork by omitting any specific details of the parties involved. For the complete sample contract and a full reference see: (Hersh, "Agreement for Commissioned Installation/Artwork", Last accessed: 06/02/2013).

agreement; the remaining fifty percent (%) upon completion, approval and installation and final approval of the Installation/Artwork. NoM shall not be responsible to pay any amount in excess of the Fee unless prior written approval has been given. The Fee is not an outright grant and may be used only to cover expenses specifically incurred for the Installation at NoM.

(c) The Fee includes all costs incidental to the realization of the Installation/Artwork, including, but not limited to, assistant's fees, materials for the construction of the Installation/Artwork, communications, films, tapes, and other related expenses. The Fee does not include the following costs, for which the Artist is solely responsible: phone, fax, local travel, general supplies, etc.

6. Shipping and Installation. NoM shall arrange with the Artist a schedule and instructions for shipping the Installation/Artwork. Artist agrees to meet all schedules required for the safety of the Installation/Artwork materials and the timely shipment to NoM. Artist certifies that the object (s) lent are in such condition as to withstand ordinary strains of packing, transportation and handling.

14. Purchase. Should NoM wish to purchase the Installation/Artwork, it shall have a right of first refusal at a mutually agreed upon purchase price, which after deduction of the Realization Cost now estimated to be $_____.

If NoM does not exercise its right of first refusal and the Installation/Artwork is sold to another person, gallery, or institution, NoM will be due full compensation for an amount up to the Realization Cost plus the fee originally paid to the Artist. This provision survives this Agreement, has no time limitation and is applicable for the life of the Installation/Artwork as a whole or in parts. If a part(s) of the Installation/Artwork is (are) sold, NoM is due compensation as above on a pro rata basis. If Artist chooses to reimburse NoM for the Realization Cost, then the Artist will be the sole proprietor of the Installation/Artwork. The Artist shall provide the Artist's agent and/or gallery written notice of the above terms.

17. Non-Transferability of Agreement. This Agreement is intended to secure the personal services of the Artist and shall not be transferred or assigned in any manner whatsoever without the prior written consent of the Museum.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

X_____ X_____ Artist: _____
Head Registrar, NoM Social Security No.: _____ X_____
Curator, NoM"

It is clear from the proceeding contracts that while the written style of the former and later are very different as to comply with the different time periods in which they were written as well as changes in the ontology of artworks, there is significant overlap in the conditions they include, which reveal a number of interesting parallels that will be discussed in the following section.

1.2.1 Artists: Authorship and Guarantees

Both the contract of 1445 and the MCA contract reference practical details, 'clauses gènèrales'[71] such as: the name of the invited artist, the name of the commissioning institution, the location where the work is to be installed, the date the work is to be completed, the materials included and the details of the artist's fee including amount and number of disbursements.[72] There are also other specific stipulations, 'clauses prècises'[73] that appear in both examples and outline the responsibilities of the respective commissioners and artists. These include less tangible features of a commission relating to authorship, production and application and use of materials, which as I go on to discuss in Chapters Three and Four, bear connections to issues of collaboration, exchange, reputation, risk and trust.

Like other contracts the commissioning contract for an artwork is consensual. It defines the object and conditions of the execution of a new work and determines the price paid by the commissioner. However, because the creation of an artwork is the creation of a work of *l'esprit* (the mind),[74] the commissioning contract has a number of specific details, which under current French and European law adhere to both the

[71]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 06/02/2013.

[72]For practical and theoretical guidelines for a private contract for a contemporary commissioned artwork, including definitions of general and precise clauses see: (ibid., Last accessed: 06/02/2013). While Touboul outlines the legal and ethical considerations for a private commission under French law (which are distinct from a public commission) many of the ethical considerations remain the same and are synonymous with the rules of European Civil Law and Intellectual Property practiced in many other countries including the UK.

[73]Ibid., Last accessed: 06/02/2013.

[74]Ibid., Last accessed: 06/02/2013.

Intellectual Property Code and the Civil Code.[75] While the commissioning contract for a contemporary artwork is qualified as a business contract and is subject to the rules of Civil Law, nevertheless, because the purpose of the contract is the realisation of a work of art 'la liberté de creation' (the creative freedom) and moral rights of the artist give the commissioning contract a number of particularities, which I will return to later on in this chapter.

The artist's role in the realisation of a new work has continued to be a key feature of an artist's contract for a commissioned work. Throughout the Renaissance period straight through to the present day artists have hired assistants and sub-contracted work to specialists to support the production of their work and it was not uncommon for Renaissance artists to hire studio assistants in order to work more effectively and to undertake several commissions at one time. This is suggested by O'Malley, who writes:

> "The clauses [in Renaissance contracts] underline the fact that the operation of a successful painting business relied not only on the artistic talent of a master painter, but also on other disparate skills, including his ability to manage the skills of others.".[76]

While Renaissance commissioners were familiar with the methods used by artists to manage the making of new work, they were also naturally concerned with the quality and skill rendered in the artworks they bought. Commissioners frequently selected artists for commissions based on the stylistic attributes associated with their paintings as well as for their skill, expertise and experience in delivering successful commissioned works, which as previously mentioned required artists to be not simply skilled artists, but also good managers and this attribute also factored into the reputation of the artist. This has been suggested by Thomas McGrath in his article 'Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy', where he argues that:

[75]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 06/02/2013.

[76]O'Malley, *The Business of Art*, p. 77.

> "Patrons, after all, must have known what to expect, at least in a general sense, when hiring a particular painter. Fra Angelico, for example, was known for his bright, high-keyed palette; Andrea del Castagno's somewhat darker manner was widely recognized; and according to Vasari, Sebastiano del Piombo's early reputation in Rome rested too on his manner of coloring."[77]

However, commissioners also wanted assurances for the works that they commissioned and one of the primary guarantees commissioners sought, which regularly appears in Renaissance contracts, was proof of the artist's authentic authorship in the making of a new work. O'Malley's primary research, which considers a large number of original Renaissance contracts for altarpieces and frescos has made it possible to access primary source data, including detailed translations of contracts from Latin into English as well as interpretations of the original language they used. These accounts have helped to outline the primary requirements and demands of commissions during the Renaissance. As O'Malley asserts:

> "To ensure that a work was produced by the commissioned artist, however, clients sometimes introduced into contracts a specific stipulation preventing subcontracting. This stipulation notes that a commissioned painter must make the proposed work *sua mano*, that is, 'with his own hand'.[78,79]

Returning to the contract of 1445, this is a key criteria which stipulates that the artist, Piero Benedetti, is responsible for "the making and painting of an altarpiece", the labour of which is to be undertaken by the artist himself or as the contract reads, "no other painter may put his hand to the brush except the painter himself."[80] This stipulation declares that a commissioned artist must make the work his or herself. It is important to mention, however, that the *sua mano* clause was not always intended to be read literally. O'Malley reports that the term was,

[77]McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy", p. 298.

[78]O'Malley, *The Business of Art*, p. 91.

[79]Approximately one-sixth of the surveyed contracts included in (ibid.) contain a *sua mano* clause. For examples of these see altarpiece documents: 2, 3, 9, 13, 23, 37, 52, 67, 69, 73, 81, 106, 120, 121, 124, 125, 132, 144, 155 and fresco documents 10, 11, 45, 47, 49, 50 and 53."

[80]Ibid., p. 91.

> "[...] borrowed from identical language used by notaries to refer to their own signatures on documents, which indicated the authenticity of a record. In painters' contracts, the term *sua mano* had the same definition. The painter was bound 'to cause the work to be painted' by handling its production within his own workshop."[81]

Despite this assertion, there were various instances throughout the fifteenth and sixteenth century that the term was used not only to denote the artist's responsibility for the general manufacture of a commissioned work within a master's shop, but more specifically, "those aspects which were to be undertaken personally by a commissioned master."[82]

In the context of contemporary commissioned art the emphasis on the artist's hand on the work has shifted as a consequence of changes in the ontology of the artwork, which in the case of conceptual art changed the concentration from the fabrication of the artwork to the concept or idea behind it, which is very different from the way objects were valued during the Renaissance period. The influence of artists like Donald Judd (1928–1994) and Sol LeWitt (1928–2007) among others working in New York in the 1960s and 1970s were responsible for the shift away from the object to a focus on the concept underpinning it. Judd's work introduced a new sculptural vocabulary of forms, which he referred to as "stacks", "boxes" and "progressions", that reappeared in his work from the early '60s until the end of his life. Regularly making use of materials such as metals, industrial plywood, concrete and coloured Plexiglas, which he used to create large-scale abstract objects and installations. The material demands of Judd's oeuvre and his desire to make increasingly large works encouraged him in 1964 to begin working with industrial fabricators such as the Bernstein Brothers to produce works based on his original drawings. This way of working culminated in a number of large-scale permanent public commissions such as *Untitled* (1977), Munster, Germany, *Untitled* (1984) (Figure 1.2) for the Laumeier Sculpture Park in Missouri and *Untitled* (1980–84)

[81] O'Malley, *The Business of Art*, p. 92.
[82] Ibid., p. 92.

for the Chinati Foundation in Marfa, Texas, all of which made use of materials common to Judd's practice like concrete and steel.

Figure 1.2: Donald Judd, 1928-1994, *Untitled*, 1984, Concrete with steel reinforcements, Dimensions: 98 1/2 x 98 1/2 x 492 1/8 in., Laumeier Sculpture Park (South Lawn), St. Louis, Missouri. For photo see: http://www.laumeiersculpturepark.org/artwork/untitled-2. Accessed: 13/07/2013.

The works of Sol LeWitt are also demonstrative of this change in the practice of art making. LeWitt is best known for his wall drawings, which involved a system of geometric diagrams that were based on sets of guidelines he conceived. These guidelines became a fundamental principle of LeWitt's work, which during his lifetime allowed his drawings to be remade by his studio assistants without his direct involvement and later by museum and gallery technicians.

Christopher Knight reported in a 2007 article in the Los Angeles Times celebrating the life and work of Sol LeWitt that: "Direct evidence of the artist's hand had been a central value in Western art for 500 years, at least since the Renaissance" and that while "LeWitt developed an intimate acquaintance with the murals of Piero della Francesca

during a 1958 trip to Arezzo, Italy" unlike his Renaissance predecessors LeWitt's art, wrote Knight, "values the artist's mind over the artist's hand."[83] This was underpinned by LeWitt in his famous 1967 work 'Paragraphs on Conceptual Art' in which he stated that: "In conceptual art the idea or concept is the most important aspect of the work."[84]

LeWitt's wall works, drawn directly on the wall, "executed first in graphite, then in crayon, later in colored pencil and finally in chromatically rich washes of India ink", transformed the relationship between the idea of an artwork and its execution and this became a formative part of LeWitt's *oeuvre*.[85] LeWitt remarked: "The idea [not the hand] becomes a machine that makes the art."[86] The focus on the idea as central to the value of LeWitt's art was underpinned further in an article by James Lawrence, which examined LeWitt's wall works along side those of his slightly younger contemporary, James Turrell (b.1943), where he suggested that:

> "Conception, execution and result are separated to the point where value is attributed to a documented procedure and a declaration of authenticity rather than to the drawing itself."[87]

The influence of the work of Judd and LeWitt has extended to subsequent generations of artists, and has thereby continued to shape the way that contemporary art is made and understood. Their works, though very different, were of the first to emphasise the artist's concepts and ideas in the development of a work over the physical process of its making, and in doing so, have had significant impacts on the making and commissioning of art today. Due to the nature of much of the contemporary art currently

[83] Christopher Knight. "Sol LeWitt, 78; sculptor and muralist changed art". In: *Los Angeles Times (Online)* (2007). URL: `http://articles.latimes.com/2007/apr/10/local/me-lewitt10`, Last accessed: 06/02/2013.

[84] Sol LeWitt. ""Paragraphs on Conceptual Art"". In: *Artforum 5 (Reprinted in Garrels, ed., Sol LeWitt: A Retrospective, p. 369.)* 10 (1967), pp. 79–83. URL: `http://www.diacenter.org/exhibitions/introduction/88`, Last accessed: 06/02/2013.

[85] Knight, "Sol LeWitt, 78; sculptor and muralist changed art", Last accessed: 06/02/2013.

[86] LeWitt, ""Paragraphs on Conceptual Art"", Last accessed: 06/02/2013.

[87] James Lawrence. "James Turrell and Sol Le Witt. New York". English. In: *The Burlington Magazine* 147.1231 (2005), pp. 707–708. ISSN: 00076287. URL: `http://www.jstor.org/stable/20074176`, p. 708.

being made, less attention has been given to the artist's physical input in the making of a new work, however, contemporary commissioners are still very concerned with the authenticity of artists' ideas in the making of new works of art.

This is evidenced in the MCA contract, outlining the artist's responsibilities in the realisation and management of the commission, which are listed under section one: *Creation, Display of Installation/Artwork*. These state that: "The artist agrees to conceive, research, produce and participate in the fabrication and installation of the Installation/Artwork" and again in section seventeen: *Non-Transferability of Agreement*, which specifies that: "This agreement is intended to secure the personal services of the Artist and shall not be transferred or assigned in any manner whatsoever without the prior written consent of the museum."[88] This stipulation highlights a shift in artistic practice, from an emphasis on the physical making of a work to the autonomy of the artist's ideas. A theme I will return to later in the chapter.

The shift from the authenticity of the artist's hand in the making of a work (common to Renaissance commissions) to the originality of the artist's ideas (as experienced today) has had a considerable impact on the collaborative nature of contemporary art commissions. While there are clear ontological differences in the art made during these periods, the contract of 1445 and the MCA contract both emphasise the artist's creative authorship in the making of a new work and also draw attention to the value that the reputation and experience of the commissioned artist has.

Reputation and experience are key factors in commissioners' decisions to work with particular artists. It seems likely that both for Renaissance and contemporary commissioners, the desire to work with established artists was based on the publicity afforded by their involvement in a commission as well as to the long-term benefit that buying such works had for themselves and their institutions. However, commissioners' decisions to work with recognised artists might also suggest an attempt to minimise the

[88]For further details of the contract see: (Hersh, "Agreement for Commissioned Installation/Artwork", Last accessed: 06/02/2013).

risks involved in commissioning, since successful commissions were based above all on the realisation of high quality artworks, which experienced artists had long-established reputations for. This exposes a correlation between the level of experience of the artist and how trusted he or she is. Trust, as we will see later, is a key feature of the commissioning model, as trust played a central role in the shaping of Renaissance contracts and consequently on the level of creative freedom afforded to artists. Trust continues to influence not only the use, but also the level of detail applied to contemporary contracts for commissioned works.

1.2.2 Artists' Fees and the Role of Production

Decisions about production responsibilities in the commissioning of a new work is a core stipulation of both Renaissance and contemporary contracts as it has continued to be a major point of leverage in negotiations over artists' fees. For Renaissance painters, supplying woodwork and overseeing gilding and gold leaf were important aspects of the production of a painted altarpiece and these features, if managed by the artist, had a strong impact on the fees paid to them for commissioned works.[89] "Indeed, contracts make it clear that the labour costs of gilding as well as the price of gold leaf were taken into consideration when most painter's fees were set."[90]

As a consequence, Renaissance contracts for painted altarpieces often included woodwork and gilding clauses. In these cases, woodwork was to be supplied by the artist as part of the finished work. Such clauses appear in about half of the commissioned altarpieces surveyed by O'Malley..[91] However, while the language of contracts frequently calls for woodwork to be painted by the artist, rarely does it contain terminology relating to the *making* of altarpiece woodwork. Such was the case with Matteo Giovani's contract of 1471 with the Opera of Santa Maria de Servi in Siena, which records that the artist

[89]For details about the relationship between painting and gilding in the production of Renaissance altarpieces see: (O'Malley, *The Business of Art*, pp. 47–76).
[90]Ibid., p. 59.
[91]Ibid., p. 36.

was to paint the woodwork, but there is no mention of his responsibility to make it. O'Malley articulates this well, writing that:

> "The contract records Matteo's obligation to paint a *tavola* according to his design. It further notes, with no reference to the obligation for having it made that the altarpiece ought to measure six by about seven and a half *bracchie*.[92,93]

The term *bracchie* is defined as, "an old Italian unit of length, usually about 26 or 27 inches (66 or 68 cm), but varying between 18 and 28 inches (46 and 71 cm)." It stems from the Latin word 'brachium' meaning, the arm, specifically the upper arm from shoulder to elbow and when used in measurement has denoted the length of an arm."[94]

However, there are also a large number of contracts that make no mention of woodwork at all as is the case in the earlier mentioned contract of 1445. This might indicate, argues O'Malley, that, "commissioning bodies were equally as likely to make a separate agreement with a *legnaiuolo* as to expect a painter to undertake the task of overseeing woodwork production."[95,96]

These examples raise questions about what precisely Renaissance painters' responsibilities were in the making of commissioned works of art, and how creative authorship was defined in the context of art commissioned during the Renaissance. In the twenty-first century, it is not unusual for contemporary artists to sub-contract the production of

[92]O'Malley, *The Business of Art*, p. 35.

[93]O'Malley defines that: "In Renaissance contracts, an altarpiece, that is an object composed of carved woodwork and painted panels, is designated by the terms *tavola*, *pala* and *ancona*. Each is a Latin word that originally meant a flat, rectilinear object and came, even in antiquity, to denote a picture on an object of that shape."(ibid., p. 28)

[94]Oxford English Dictionary (Electronic), "Oxford English Dictionary (Online)", Last accessed: 06/02/2013.

[95]O'Malley, *The Business of Art*, p. 36.

[96]The term legnaiuolo as used in Renaissance contracts means woodworker. Details of the terminology used in the making of Renaissance altarpieces are also found here.(ibid., p. 32)

their work to fabrication specialists.[97] This shift in the role of the artist from maker to conceiver is now a widely accepted and normalised part of contemporary art production. However, while the role of the artist has changed affording greater control to the artist, the authenticity of the artist's creative authorship in the conception and design of an artwork continues to be an important consideration for contemporary commissioners.

Referring again to the MCA contract, this is stated in direct language in the very first section under *Creation, Display of Installation/Artwork*, in which the artist agrees to "conceive, research, produce, and participate in the fabrication and installation of the Installation/Artwork."

Like Renaissance contracts, contemporary commissioning contracts also place heavy emphasis on the production of new works of art and these appear to be linked to a payment structure. In the MCA contract payment for production is clearly outlined in such a way as to give financial leverage to the commissioning institution in the event of a subsequent sale or purchase of the commissioned work, a point I will return to later. This stipulation, however, by consequence weakens the position of the artist, who by agreeing to the terms of the contract no longer has sole control in the event the work is sold on to a third party. If we consider the artist's fee as outlined in the MCA contract under section three: *Compensation*, the provisions for production costs are outlined clearly in part (c), which reads: "The [artist's] Fee includes all costs incidental to the realization of the Installation/Artwork, including, but not limited to, assistant's fees, materials for

[97]The shift in concentration from the artist's authentic hand on the work to a focus on original ideas as previously demonstrated by artist's like Donald Judd and Sol LeWitt have links to texts on conceptualism or conceptual art, terms used to denote both this particular generation of artists and their approaches to the practice of art making. Conceptual art has been defined as that which centres on an idea or concept for a work, rather than on the object itself. Many of the concerns of the conceptual art movement have been taken up by contemporary artists, especially among artists working with installation art, film and video art, performance art, net.art, and electronic and digital art. For information on conceptual art commissions by museums and galleries, or survey texts on conceptualism and details on new media art and technologies see, respectively: (Guggenheim Museum. "Press Release: Solomon Guggenheim to Launch Internet Art Commissions". In: [2002]. URL: `http://www.guggenheim.org/new-york/press-room/releases/press-release-archive/2002/668-february-18-internet-art-commissions`, Last accessed: 06/02/2013) (Peter Osborne. *Conceptual Art Themes and Movements.* Phaidon Press: London, 2002
Joline Blais and Jon Ippolito. *At the Edge of Art.* Thames and Hudson Ltd: London, 2006
Peter Selz. *Beyond the Mainstream.* Cambridge University Press, 1997)

the construction of the Installation/Artwork, communications, films, tapes and other related expenses."

However, the artist's fee does not include the following costs, which are said to be the artists sole responsibility. These include, "phone, fax, local travel, general supplies."[98] This highlights the importance of financial responsibility over the production of a new work in the context of a contemporary contract, which I will return to in more detail in Chapter Three when I discuss recoupment of production for commissioned works. If the commissioner, in this case the museum, pays for the cost of production, this affords the commissioner financial leverage should they decide to buy the commissioned work once completed. It also gives the commissioner the right to recoup their investment (up to the total cost of production) if the commissioned work is subsequently sold to a third-party. Evidence of this can be found in the MCA contract in section fourteen under, *Purchase*, which states:

> "Should [the named museum] wish to purchase the Installation/Artwork, it shall have a right of first refusal at a mutually agreed upon purchase price, which after deduction of the Realization Cost now estimated to be [x dollars]. If [the named museum] does not exercise its right of first refusal and the Installation/Artwork is sold to another person, gallery, or institution, [the named museum] will be due full compensation for an amount up to the Realization Cost plus the fee originally paid to the Artist. This provision survives this Agreement, has no time limitation and is applicable for the life of the Installation/Artwork as a whole or in parts. If a part(s) of the Installation/Artwork (are) sold, NoM is due compensation as above on a pro rata basis. If the Artist chooses to reimburse [the named museum] for the Realization Cost, then the Artist will be the sole proprietor of the Installation/Artwork.".[99]

The stipulations in section three and fourteen of the MCA contract, which identify the commissioning museum as responsible for paying the total cost of production, can be interpreted in different ways. On the one hand by investing in the cost of production for the commissioned work, if a sale results from the commission, than this would seem to

[98]Hersh, "Agreement for Commissioned Installation/Artwork", Last accessed: 06/02/2013.
[99]Ibid., Last accessed: 06/02/2013.

afford the commissioning museum considerable practical and financial advantage. Not only is competition to buy the commissioned work significantly reduced, as in this case the commissioning museum retains the 'right of first refusal' on the work in question, but should the work be acquired by the commissioning museum the invested production costs plus the artist's fee would be deducted from the final sale price.[100]

In addition, if the commissioned work is sold to a third party, then the commissioning museum exercises the right to recoup the total value of their investment in the production of the work.[101]

While this contractual arrangement seems to bear well for the commissioning institution, it would seem that the risk the artist assumes is relatively high. On the other hand, it is also important to consider what is at stake for the museum commissioning the work. By assuming primary responsibilities for the production of the artist's work, the museum agrees to pay all expenses attached to the fabrication of the work (as outlined, for example, in section three of the MCA contract), plus the artist's fee.[102] It is not uncommon for the commissioning museum to assume additional supplementary responsibilities as in the production of a new work. The MCA contract, defines these additional stipulations in section four: *[the named museum] Responsibilities* and six: *Shipping and Installation*, respectively, which read as follows:

> "Section Four: *[the named museum] Responsibilities*
>
> [The named museum] shall be responsible for services and expenses required for the preparation of the gallery space (carpentry, painting, electrical, installation labour and materials not itemized in Appendix A and B and insurance;

[100] In cases where existing artworks by established artists are purchased through the primary or secondary art market, competition for acquisitions is high. Details about art market competition and international collecting models and comparisons have been outlined in Fiske and Law's 2008 Art Council England Report.(Wendy Law and Tina Fiske. *Funding Contemporary Art Executive Summary: Key Findings and Acknowledgments, Collections and Collecting in the Regions: Models, Partnerships and International Comparisons*. Tech. rep. Arts Council England, 2008)

[101] For a list of guidelines on recoupment of contemporary commissioned artworks see *Commissioning Art Works* an Art Council England report.(Arts Council England, *Commissioning Art Works*, Last accessed: 06/02/2013)

[102] It has been suggested that artist's fees are often substantially reduced as a consequence of the benefit they are seen to receive from a commission (e.g.: without the resources provided by the commissioning organisation they would be unlikely to make the work).

> and if applicable, incoming and outgoing shipment, exhibition graphics, a brochure/catalogue, invitations, and promotion.
>
> Section Six:*Shipping and Installation*
>
> [The named museum] shall arrange with the Artist a schedule and instruction for shipping the Installation/Artwork. Artist agrees to meet all schedules required for the safety of the Installation/Artwork materials and the timely shipment to [the named museum]. Artist certifies that the object(s) lent are in such condition as to withstand ordinary strains of packing, transportation and handling. At the end of the Exhibition, Artist may keep all materials and objects which were purchased for and incorporated into the Installation/Artwork, minus any objects or cases provided or owned by [the named museum] or any electrical or computer equipment purchased which it wishes to retain. However, the Artist is responsible for any and all fees and costs associated with returning materials.".[103]

By examining the two example contracts some basic distinctions are revealed between the two commissions. In summary, the 1445 contract was for a site specific altarpiece painted for the church of the Misericordia in Borgo San Sepolcro (now part of the collection of the Museo Civico, San Sepolcro). The work was not built on-site, but was installed permanently on-site after completion and has no replaceable parts. In contrast, the MCA contract, according to the terms of the commission, is for a temporary work, unless the museum agrees to purchase it, by which it becomes permanently owned. This is a clear distinction in the two commissions as the latter involves a two tier process where the commission and acquisition are separate, which is different than the former contract for a work that was from the outset permanently installed and owned.

Using the MCA contract again as an example, this time considering clauses four and six together with the stipulations outlined in sections three and fourteen it might be suggested that by handing over production responsibilities to the commissioning museum, as a consequence of the recoupment clause, the artist forgoes part of his or her control in the event that the work is subsequently purchased by the commissioning museum or a third party. However, by covering the production costs for the work, as illustrated by the MCA contract, the commissioning museum runs the risk of losing their

[103]Hersh, "Agreement for Commissioned Installation/Artwork", Last accessed: 06/02/2013.

investment should the artist fail to complete the work or should the artist be unable to complete the work on time and to an acceptable standard. Yet while the MCA contract illustrates that both contemporary commissioners and artists undertake certain financial risks in the realisation of a new artwork, conversely, commissions also present valuable opportunities that may extend far beyond the length of a single project, a point I will return to later.

1.2.3 Collaboration and Exchange

Both Renaissance and contemporary contracts provide important practical details about the making of commissioned works of art and the roles and responsibilities of commissioners and artists, yet throughout history there have been many important features of commissions that do not appear in written contracts. This can be attributed to the fact that the commissioning of art is a practice that is based on both written and oral negotiations. Now that I have discussed contracts and the verbiage around commissioning, which provide a framework for commissioned works, this section moves on to discuss relationships between commissioners and artists.

While there are very few surviving Renaissance documents that account for spoken exchanges between commissioners and artists, there is a significant amount of recent scholarship that examines the complex relationships that existed between commissioners and artists. These sources demonstrate that Renaissance art was often the product of collaboration and dialogue.[104]

During the Renaissance, as well as in the context of contemporary commissions, certain details about the aesthetic qualities of commissioned works of art were not easily

[104]For information on principle-agent relationships in the making of Renaissance art see Nelson and Zeckhauser, (2008).(Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*
O'Malley, *The Business of Art*); and for a detailed examination of collective decisions about the use of colour in Renaissance paintings see (McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy").

communicated through written form and commissioners and artists frequently relied on oral communication in their negotiations on such matters. The use of colour in commissioned paintings was one of the more difficult details to articulate in writing, and consequently detailed descriptions of colour rarely appear in Renaissance contracts. However, this is not to say that colour was not an important part of negotiations. In fact, negotiations over the use of colour were essential in the realisation of Renaissance art as the use of particular pigments and the costs associated with them had significant implications for both artists and commissioners. McGrath writes:

> "While many aspects of a painting or fresco could be described verbally with a fairly high degree of precision, the coloristic appearance of a proposed work was less easily conveyed through language. In some cases, including a number of projects commissioned for the church of S. Maria della Steccata in Parma in the first half of the cinquecento, the parties involved relied not simply on words to describe light and color but on images as well. Surviving documents and drawings from the fifteenth and sixteenth centuries suggest that some patrons entered into a dialogue with artists that operated in modes both verbal and visual, and that both the content and form of their dialogue contributed to the appearance of the works produced."[105]

McGrath's statement draws attention to the importance of oral communication in communicating specific details about some of the more elusive aesthetic features of Renaissance paintings such as the use of colour. Colour becomes a key point of contention in the making of Renaissance art, as different artists had their own specific ideas about how colour was best to be used in the making of a new work, and so too did their commissioners. It becomes clear that certain features of Renaissance commissions, such as the use of colour, were better expressed orally and the use of visual sketches and drawings became useful aids in these negotiations, which often took place in the design phase of a commission after a written contract was drawn-up.

While the nature and extent of the patron's influence varied tremendously from commission to commission, artists' contracts from the fifteenth and sixteenth centuries

[105]McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy", p. 298.

suggest that it was not unusual for the patron to specify the subject to be depicted and the amount of expensive materials to be used. In some cases, the patron took a more active part. In an addendum to their 1438 contract with Sassetta for an altarpiece, for example, the friars of S. Francesco in Borgo S. Sepolcro specified which saints were to be represented, where they were to stand, and even how some of them were to be posed; Domenico Ghirlandaio's 1485 contract for his frescoes (Figure 1.3) at S. Maria Novella stipulated that the landscapes were to be rich and full of details, including figures, cities, castles, mountains, and a variety of birds and animals.[106,107]

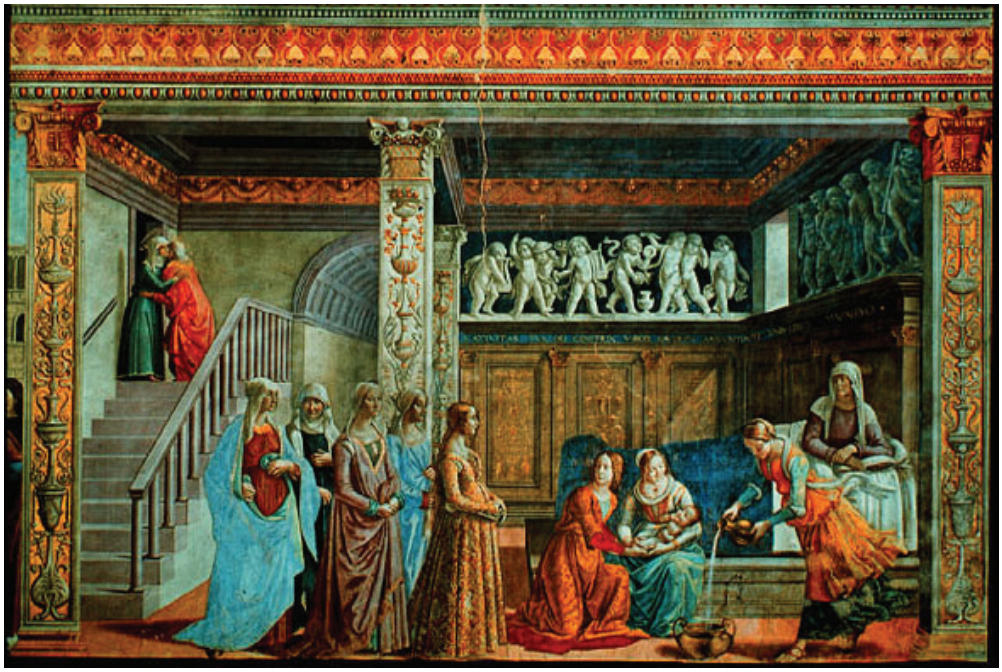

Figure 1.3: Domenico Ghirlandaio, c.1448/9-1494, *Birth of the Virgin*, 1485-1490, *Fresco*, Dimensions: Width 450 cm., San Maria Novella, Florence. For photo see: http://arthistory.sdsu.edu/573a/573a_4/Images/GCMBV.jpg. Accessed: 13/07/2013.

[106] Anabel Thomas. *The Painter's Practice in Renaissance Tuscany.* Cambridge University Press, 1997

Michael Baxandall. *Painting and Experience in Fifteenth Century Italy: A Primer in the Social History of Pictorial Style.* Second. Oxford University Press: Oxford and New York, 1972.

[107] McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy", p. 298.

Renaissance contracts have provided minimal guidance about the use of colour in commissioned works of art and hence the frequency with which commissioners and artists discussed colour is unclear.[108] However, artist contracts from this period regularly include references to specifications about the use of fine pigments. This is identified by McGrath, who argues that: "One of the most pervasive stipulations in Renaissance contracts the quantity and quality of expensive pigments to be used-reveals not merely a concern with cost but also a desire for coloristic richness."[109]

As colour was an important part of Renaissance paintings that was difficult to describe in writing, verbal negotiations between commissioners and artists around the use of colour were influential in making decisions about the aesthetic qualities of commissioned works of art.

These negotiations were not, however, limited to decisions about colour alone, though colour was a key consideration, often negotiations between parties included other important aspects of commissioned paintings such as theme, subject matter and even numbers and positions of figures. As O'Malley suggests:

> "[...] stipulations about the materials, production processes and fees to be paid for new altarpieces and frescoes were common contract clauses. Their details were settled for most commissions before the parties met with a notary to draw up a contract. Decisions about subject matter, however, do not seem to have followed this model, and most contracts do not give a very descriptive account of the content of a proposed work, not because it was of trifling importance to the contract parties, but because information about figures and stories to be depicted was largely exchanged verbally."[110]

Decisions about materials continue to be an important point of negotiation in contemporary art commissions, but for different reasons. Museums and galleries commissioning contemporary works of art for their collections have a responsibility to insure

[108] McGrath, "Color and the Exchange of Ideas between Patron and Artist in Renaissance Italy", p. 298.
[109] Ibid., p. 298.
[110] O'Malley, *The Business of Art*, p. 163.

the long-term care and survival of works in their holdings. Thus, while the value of the materials themselves are no longer of key importance in the making of a new work, the material endurance of the media used and the quality and strength of the concept behind the work's engineering and structural composition, as well as the costs associated with them, are primary concerns for institutions commissioning new works of art. The importance of communication during the design phase of a contemporary commissioned work therefore continues to be of considerable importance in delivering successful projects. This is underpinned by Chris Fremantle in an article for the *a-n Newspaper*, entitled 'Reflections on Collaboration', who writes:

> "Commissions support a dialogism, and success in the process and making of new work, in this manner, requires: trust, reflexive exchange, collaborative networking, strong relationships and communication, which are fundamental and necessary elements, which support the commissioning of new work for public collections."[111]

Fremantle's comment draws attention to the important role that trust plays in facilitating healthy collaborations, as trust is the basis for both strong relationships, but also flexibility, which can strengthen the results of a commission by enabling higher levels of cooperation, thereby reducing risk. These risks could be material concerns (for museums) related to a work's endurance or in the case of Renaissance works related to the quantity and use of fine materials. The benefits of trust in interpersonal and interorganisational exchange will be outlined in greater detail in the following chapter. As I will demonstrate, this is due to the fact that for both commissioners and artists communication is a method for managing risk in the making of commissioned works of art as oral negotiations present possibilities for identifying potential problems before a work goes into the production phase. Aby Warburg describes that during the Renaissance commissioned works of art:

[111] Chris Fremantle. "Reflections on Collaboration". In: *a-n The Artist Information Company Newspaper* (2012), pp. 1–9. URL: `http://www.a-n.co.uk/publications/document/2249434`, p. 7, Last accessed: 06/02/2013.

> "[...] owed their making to the mutual understanding between patrons and artists. The works were, from the outset, the results of a negotiation between client and executant.".[112]

The previous statement suggests that commissioning is a practice premised on dialogue and exchange. Commissioners and artists thus become equal parts of what Nelson and Zeckhauser define as a 'creative duo' where "agents typically know more about their tasks than principals do, though principals may know more about what they want accomplished."[113,114]It is on the basis of this synergy between commissioners and artists that commissioned art takes its shape and has sustained in contemporary culture as a model through which ambitious works of art have been made and acquired.

Creighton Gilbert's work on commissioner–artist relationships in Renaissance Italy challenges the view that Renaissance patrons usually kept creative control over works they commissioned. He introduces a number of poignant examples that demonstrate the collaborative nature of artist–commissioner decisions in the making of Renaissance artworks. Most notably, his references to the following contracts, which begin with Sassetta's 1439 contract for an altarpiece for the friars of the church of S. Francesco in Borgo S. Sepolcro, which notes that the artist must paint "those stories and figures as specified to him by the priors and friars."[115] The sixteen clauses in the text specify both the images and their location within the work. This included details of the placement of the Virgin Mary and forty-one saints. However, all but three of the clauses were limited to strictly titles and names.[116]

[112]Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*, p.17.

[113]Ibid., p. 17.

[114]Principal–agent relationships refer respectively to the working-exchanges between commissioners and artists in the development of Renaissance commissions. For details of principal–agent relationships see: *Chapter One: The Commissioning Game, Main Players: Patrons, Artists and Audiences.*(ibid., pp. 15-36)

[115]For further details of Sasseta's Franciscan altarpiece see: (Gilbert, "What Did the Renaissance Patron Buy?", pp. 397-402) and (James R. Banker. "The Program for the Sassetta Altarpiece in the Church of S. Francesco in Borgo S. Sepolcro". English. In: *I Tatti Studies: Essays in the Renaissance* 4 [1991], pp. 11–58. ISSN: 03935949. URL: `http://www.jstor.org/stable/4603669`).

[116]Gilbert, "What Did the Renaissance Patron Buy?"

The contract goes on to report, "that two friars have been delegated by the rest to arrange the stories and figures in the way that seems good to us and to the master together (si come pare a noi e al maestro insieme)."[117] This demonstrates the level of influence that Renaissance commissioners had in the creation of a work, specifically in decisions of subject matter, however, it also reflects their reliance on the skill of artists in how best to render the themes they chose. This is reflected in the third clause of the contract, which states that, "the Virgin and Child are to be adorned with angels in the way the master thinks best (come al maestro parra meglio)."[118] This again reflects the collaborative nature of the commissioning process, where both commissioner and artist are working together as equal parts in the creation of a work. This is further underscored by Gilbert, who concludes that while in "the Sassetta supplement the patrons supply the list of saints [it is] the artist [who] has to decide what the devout passion scenes will be."[119] This is further demonstrated by documentation of the commission, which suggests that, "The artist's duty is not to the patron's say-so, as the contract alone would indicate - and that is usually all we have - but to the agreement between them [the commissioners and the artist]."[120] Thus, offering further proof of the collaborative nature of commissioning during the Renaissance.

The second example refers to a set of letters of 1390–91 from the wealthy merchant of Prato, Francesco Datini, to a friend who served as his business agent in Florence, who had agreed to assist him by selecting an artist from whom to commission a new work. The commissioned painting that resulted after many months of exchange between Datini, his agent and the artist was comprised of:

> "[...] a center, a Passion scene, proposed by the artist, and side saints, picked by the patron. The role of the artist was initiated by him, and the patron expected this, assuming too that other artists would do the same. Having a

[117]Gilbert, "What Did the Renaissance Patron Buy?", p. 397.
[118]Ibid., p. 397.
[119]Ibid., p. 402.
[120]Ibid., p. 397.

> good proposal for a subject is part of the artist's professional service, for he knows these things better."[121]

Gilbert again demonstrates the highly collaborative nature of Renaissance commissions. His comment also points to the commissioner-artist relationship as being one of mutual dependence and trust. In the above reference we see that while Datini had particular ideas about the details included in the work he commissioned, he was also trusting the artist's judgement, skill and imagination in choosing a suitable theme and rendering it.

The final example introduced here is for the series of commissions (*circa* 1501–1511) for the Marchioness Isabella d'Este of Mantua for her *camaroni*. Evidence from letters of 1501 to the agent of the Marchioness, concerning the artist Giovanni Bellini, suggest his interest in working for her. Gilbert describes that:

> "The Marchioness is informed by her agent [of the artist's interest], but not to do the story she proposed, from which he cannot devise anything good. (This suggests that she gave a title, from which the design had to be evolved.) The agent suggests she would do better to let him do what he likes, and she agrees. She is content to leave the subject to his judgement [...]."[122]

Here, we find yet another example of the commissioner placing a high level of trust in the artist in the development of a new work. In this case the Marchioness by relinquishing her direct input in the theme of the work she affords total creative freedom to the artist in both selecting a theme for the work as well as in how it is rendered. The Marchioness later solicits a work from Perugino (Figure 1.4) for her *camaroni*. This time she approaches the artist to create a work with a particular theme in mind, which Gilbert has outlined:

> "The theme, a Battle of Chastity and Lust, was to be evoked in the action of four main figures, Diana and Athena fighting Venus and Cupid. Details

[121] Gilbert, "What Did the Renaissance Patron Buy?", p. 402.
[122] Ibid., p. 417.

> extended to such things as Athena with one hand holding Cupid by the bandage on his eyes and with the other hand lifting his lance; numerous other specifics are quite similar. There are also nymphs "seen in whatever attitude you please, along with fauns and satyrs and Cupid with arrows of wood or iron or what you please, Jupiter and five other classical gods and the women they pursued, and myrtle, olive trees, and a body of water." Isabella sent a drawing of all this, but then added that 'if you think the figures are too many, it is left to you to reduce them as you like, apart from the four main ones'." .[123]

Figure 1.4: Pietro Perugino, c.1446/1450-1523, *Combat of Love and Chastity*, 1503-1505, Tempera on canvas, Dimensions: 160 cm x 191 cm (63 in x 75 in), Musee du Louvre, Paris. For photo see: http://www.conservapedia.com/File:Perugino_Combat_of_Love_and_Chastity_1503.jpg, Accessed: 13/07/2013.

While all of these details appeared in full detail in the resulting contract (and in the end Perugino was rather faithful to the Marchioness's request, omitting just two of

[123]Gilbert, "What Did the Renaissance Patron Buy?", p. 420.

the classical gods and their women), an analysis of the language used to describe the theme for the commission suggests a high level of flexibility from the Marchioness, who consistently defers to the artist to choose how the work was to be rendered as well as the number of figures presented in it. This is underpinned by Gilbert, who argues that this "is a large loophole, permitting the second half of the written program to vanish."[124,125] This again demonstrates the high level of trust placed in the artist in the making of commissioned works at this time.

The preceding examples of Renaissance commissions illustrate that commissioners often had firm ideas about the works they commissioned-to-buy including the locations of the work, theme, materials and particulars of the saints and figures depicted in them, while artists new more about how to create masterful works that were appropriate for the contexts in which they were made. Commissioners looked to artists to account for compositional choices such as spacial awareness and placement of figures and painterly skills like the use of colour and shading and the creation of symbolic imagery that was both "'rich' in meaning and 'superior, exquisite and ornate.'"[126] In meeting the requests of their commissioners, artists were simultaneously elevating the status of their art and earning an agreed upon fee for their work. These examples also demonstrate how trust played a central role in collaborations between commissioners and artists during the Renaissance as successful collaborations were built on the mutual trust built between commissioners and artists.

Renaissance commissioners were hence reliant on the '*gratia del magister*' (expertise and innovation) of artists to bring selected themes for works of art to life in '*ingenium*' (original) ways and artists were dependent on commissioners to provide them with access to particular sites and the resources necessary to make their works visible.[127]

[124]Gilbert, "What Did the Renaissance Patron Buy?", p. 420.

[125]For further details of the preceding contracts or for additional examples of the complex exchanges between commissioners and artists in the making of commissioned works of art see: (Gilbert, "What Did the Renaissance Patron Buy?"
O'Malley, *The Business of Art*).

[126]Gilbert, "What Did the Renaissance Patron Buy?", p. 424.

[127]Ibid., pp. 410-411.

As Nelson and Zeckhauser report: "commissions usually led to a symbiotic collaboration between patrons and artists."[128]

The concept of commissioner and artist as creative partners will appear again in the context of contemporary art commissions presented in this thesis. Communication has continued to play an important role in collaborations between commissioners and artists, affording both parties the opportunity to exchange ideas and identify expectations during the design phase of a commission. In doing so, such dialogues have enabled commissioners and artists to build assurances against risks, as once production of a work begins, the primary responsibility is left to the artist, his or her studio assistants and the specialists co-contracted and managed by him or her to interpret the task of making the work and delivering it. As noted earlier, the artist's ability to meet the demands of a commissioner and to deliver a successful work of art is a process with many external factors involved, a number of which could be monitored and contained through oral and written communication. However, from the conception of an artwork to its delivery to the commissioner there are many stages in the making of an artwork both complex and fragile, the success of which depends in part on the strength of the relationships forged between commissioners and artists. The basis of which is trust – as commissions involve investment in the creation of new artworks, for which there is always an element of chance. It is the existence of chance and its inescapable connection to the making of new works of art, which has made the commissioning of contemporary art both an intriguing and controversial model – as chance simultaneously underpins both the risk of possible loss or failure as well as the potential of making art of exceptional quality and ambition. These features of commissioned art have made commissioning one of the oldest forms of art activity and one of the most conspicuous legal relationships an artist can enter into.[129]

[128]Nelson and Zeckhauser, *The Patrons Payoff Conspicuous Commissions in Italian Renaissance Art*, p. 6.

[129]Hanley, "Acquiring the Ineffable: Investigating Production and Policy for Contemporary Visual Art in Municipal Museums and Galleries in Scotland", p. 7.

1.2.3.1 Trust

Relationships between commissioners and artists are conceived on the basis of group dynamics, and in ideal circumstances, the ability of individual parties to communicate and to work effectively together is crucial in achieving a mutual goal. However, successful projects are not only based on effective communication between parties, but more crucially on the trust built between commissioners and artists, which is influenced by a number of different factors. In this sense, communication acts as a building block for trust and cooperation between parties by promoting confidence.

For Renaissance commissioners and artists producing high quality works of art, which demonstrated superior talent (*ingenium*) and design (*disegno*) were key objectives of a commission, and consequently these terms appear regularly in Renaissance letters and contracts. Renaissance commissioners often sought to work with particular artists who had previously demonstrated their *ingenium* and expertise (*peritia*) in delivering successful and masterful works of art and had built a strong reputation for doing so. Consequently, commissioners' decisions to work with established masters (*maestro solenne*) were based not only on the exposure and prestige that such exchanges afforded to them, but also on the promise of "rich" art that such commissions offered. This, as noted earlier, exposes a correlation between experience and trust, but also how reputation or the prestige of particular artists earned them a great deal of power in a commission.

Returning to Nelson and Zeckhauser's earlier statement, which suggests that artists had greater (conceptual and production) expertise in the realisation of a new work than their commissioners, yet commissioners had a stronger grasp of what they wanted achieved, we can infer that in the making of Renaissance art both parties were required to trust the professionalism of the other in order to achieve their mutual goal (a finished, high-quality work of art). The importance of cooperation in commissioner-artist collaborations is highlighted in the following examples of Renaissance contracts. I begin with the most celebrated of these commissions, Michelangelo's ceiling frescoes for the

Sistine Chapel (Figure 1.5) commissioned for Pope Julius II between 1508–1512. The following accounts are the only existing record about thematic choice for the ceiling, to be discussed by commissioner and artist.[130]

> "In the letter from Michelangelo to his business agent in 1523, the artist gives his side of a long argument over fees for several papal jobs. The plan for the ceiling, he writes, was at first to show the twelve apostles in ornamental frames. I began, but it seemed to me that to have only the apostles there would turn out a poor thing,*cosa povera*, he wrote. When the Pope asked how that was, he replied with a *bon mot*, because they themselves were poor - a joke that has been the focus of such attention as the passage has obtained in the scholarship. The pope thereupon, the letter continues, authorized him to do a larger project, with a larger fee, the point of the whole letter being that he received only the money reflecting the first poor plan. Then he gave me a new commission, the artist continues, and I should do what I wished, and he would content me. The pope's agreement to change was based on the appeal of getting the same richness that his uncle Sixtus had liked on the walls. As to what rich meant when Michelangelo suggested it, it is to be deduced from the executed work, which departed drastically from tradition by extending the twelve figures to include major narrative scenes."[131]

The importance of trust between commissioner and artist is also demonstrated by later commissions by Michelangelo. In particular, as Gilbert addresses:

> "His other most nearly complete complex project was the Medici chapel, begun in 1520 to enclose family tombs. The patron Clement VII - Letters offer much about the discussions between patron and artist. The earliest issue on record concerned the placing of the tombs in the space. Having received a drawing, the pope responded with admiration for it on 20 November 1520, while also mentioning a difficulty about possibly insufficient space; nevertheless, he concludes we leave to you to do what you think will go well. Measurements were subsequently sent, and a confirmation came on 24 December through an intermediary that Michelangelo should either stick with his drawing or follow an alternate option, for he leaves it to you, and you settle it the way you think best, and let him know. Here, as with the Sistine, patron and artist discuss the complex project at an early stage, and find two distinct options for proceeding, and in both cases the patron defers to the artist's choice."[132]

[130]Gilbert, "What Did the Renaissance Patron Buy?", p. 414.
[131]Ibid., pp. 414–415.
[132]Ibid., pp. 414–415.

We can draw several conclusions from the preceding historically significant examples of commissioned works by Michelangelo. In the first example, it is clear that while the Pope had particular ideas about what he wanted achieved, his trust in Michelangelo's expertise in carrying out the work encouraged him to privilege the skill and judgement of the artist and consequently to authorise him greater freedom in the creation of the work, which in the end was faithful to the artist's revised plan. It is important to mention here that while the Sistine ceiling had a central role in Michelangelo's career,[133] at the time of the commission he had already become a recognised artist.[134] It is likely that it was on the grounds of this that Pope Julius II was so easily persuaded to accept Michelangelo's amended proposal for the Sistine ceiling frescoes. The same applies to his later work for the Medici Chapel as again we see the commissioner, in this case Clement VII, go against his own judgement and defer to the artist. However, despite the fact that at the time of these commissions Michelangelo had already become a very well-respected artist, they nonetheless reflect a high level trust between artist and the commissioners as in both cases the commissions resulted in artworks that were both costly and ambitious for that time. It is evident through such commissions, that similarly to museum commissions today, that certain artists exercised a great deal of power in a commission and this was often contingent upon the artist's reputation or as previously noted their prestige.

Turning back now to an example noted earlier, the commissions for the Marchioness Isabella d'Este of Mantua sought from 1495 onwards, we see a slightly different picture unfold. In her commissions, which span for more than a decade, there appears to be some variability in her dealings with different artists. This might suggest that her demands were based on a hierarchy of trust that equated with the statuses of the artists with whom she wished to work. This is illustrated by a group of letters between the Marchioness, her agent and several major artists. In 1501 after inviting Giovanni Bellini

[133]Gilbert, "What Did the Renaissance Patron Buy?", p. 435.

[134]Proof of Michelangelo's established reputation can be found in his earlier works, which predate that of the Sistine Chapel ceiling frescoes, most notably his sculpture commissions, which include works such as: *Bacchus* (1497) for Cardinal Raffaele Riario, the *Pieta* (1498–1499) commissioned by the French cardinal Jean de Billheres and the statue of *David* (1504) for the consuls of the Guild of Wool.

to make a new work for her, and after some discussion over a theme, the Marchioness writes to her agent in Bologne stating that she is "content to leave the subject to his [Bellini's] judgement, so long as he paints some story from antiquity with a beautiful meaning."[135]

In a later letter to Bellini asking for yet another work, this time for her *camerino*, she writes, "we will leave the poetic invention to you to make up if you do not want us to give it. In the same month that she approached Bellini, Isabella addressed Leonardo, who had drawn her portrait, with the hope he would do something for her *camerino*."[136] In this case she writes that she "will leave both subject and time to him."[137] A year later she wrote to Perugino asking "whether he would paint a story she would invent."[138] And finally in 1511 she writes to Francia after sending him a script (*poesie*) for an invention (*fantasia*) for a new work to add to the existing works previously commissioned for her *camerino*, which reads "in the letter we wrote the agent, we urged him to learn whether the invention of the painting pleased you [Francia], to indicate your view and opinion before we send the canvas, since we always want to accommodate your judgement and pleasure."[139]

The previous accounts, which describe the activities of Marchioness Isabella d'Este, are often presented as "the single best example of detailed patronal instructions."[140] It is evident, however, that there is a disparity in her letters to different artists. While she supplied detailed descriptions of her 'fantasia' in her letters to Bellini and Francia, she appears to be less prescriptive in her letters to Perugino and Leonardo, most noticeably in her correspondence with Leonardo where she leaves both the subject and time-scale of

[135]Gilbert, "What Did the Renaissance Patron Buy?", p. 417.
[136]Ibid., p. 417.
[137]Ibid., p. 417.
[138]Ibid., p. 418.
[139]Ibid., p. 416.
[140]Ibid., p. 416.

the work to him should he decide to accept the commission.[141] This might indicate both the desire of the Marchioness to obtain works by certain artists over others, which could be said to correlate with the artists' reputations and respective levels of success, but also her confidence that she would be satisfied with any work that an 'established master' (like Leonardo) might produce, where as with other artists she may have been less assured. In all of the noted cases, however, whether a theme was articulated to the artist or not, the Marchioness always defers to the artist's expertise, which again points to the confidence that certain artists commanded from their commissioners, but also in general to the level of trust that Renaissance commissioners had in the skill and professionalism of the artists they chose to commission.[142] However, it also suggests the power that certain artists had as a consequence of their respected statuses as 'masters'. Prestigious artists who were widely sought after can be seen to have exercised a great deal of power over both the commissions they accepted as well as for the content of those commissioned works. Artists with established reputations naturally earned greater numbers of commissions making it possible for them to turn down a commission that did not interest them. Hence, we see that cooperation in commissioner-artist relationships is not exclusively a matter of trust, but also could be seen to be a battle of prestige between agents, which was often led by the desires of commissioners to work with particular artists and the desires of artists to work with certain commissioners who could enhance their reputations.[143]

[141]It is worth noting that neither Leonardo or Perugino produced new work for the Marchioness' *camerino* and this was likely attributed to the high demand for their works at the time of her request. The Marchioness, being well-aware of the market statuses of the artists, may have been compelled to be less particular in her requests for new works.

The Marchioness did work with several other artists during this period including Mantegna, Costa, Giorgione and Raphael, through her dealings with them about specific works are lesser known due to the lack of surviving written records. However, for further information about the works commissioned from Bellini, Leonardo and Perugino see: (David Chambers. *Patrons and Artists in the Italian Renaissance*. University of South Carolina Press, New York, 1971, pp. 126–150).

[142]It is important to mention that of the aforementioned commissions by the Marchioness Isabella d'Este, all of the invited artists were well-established in their artistic careers at the time they were invited for a commission, though the level of success and repute varied between them.

[143]This idea ties back to Bourdieu's definition of 'symbolic capital', mentioned earlier, in that by working with certain respected (prestigious) artists or commissioners, the agent (artist or commissioner) could enhance his or her 'symbolic capital'. This also meant that hypothetically agents with strong reputations (who possessed a lot of 'symbolic capital') can choose to work with less established artists with whom they saw promise with the intention of furthering that artists career, and that has become

Turning now to the artist, one identifies that it was not only the commissioners who were placing their trust in artists, but in equal measure, artists showed great confidence in their commissioners. In many cases this show of trust was rooted in the arrangements around artist's payments for commissioned works. It was common in the Renaissance for artists to be paid in two disbursements, the first (usually a small proportion of the total fee), which was generally used by the artist to support the initial costs for a work such as materials and production expenses and the rest would be paid to the artist upon delivery of the work after the work had been appraised. However, while such exchanges did present a show of trust, they also show a willingness on the part of the artist to work with certain commissioners because of the attention such commissions granted them and in doing so accepted the risks associated with such engagements.

In the case of Michelangelo's letter to his agent cited above, he suggests difficulties in acquiring appropriate payment for various papal jobs, referencing in particular not being paid the authorised fee for the revised commission for the Sistine ceiling. We see here that artists, even those as established as Michelangelo, in trusting the commissioner to deliver an appropriate and fair fee for their works were accepting certain risks in a commission. It is evident that just as commissioners were investing great quantities with their wallets and exposing themselves to the possibility of financial losses for artworks as of yet to be made, so too were artists investing their time, energies and livelihoods in the making of art without the guarantee of a final payment. This is suggested by O'Malley who notes:

> "While it was the norm for contracts requiring a *lodo* also to register at least an approximate amount that a painter would be paid, there are some contracts that do not denote a fee at all, stipulating only that an appraisal would be held at the completion of a work. In Lorenzo di Niccoli's contract of 1402 with the Florentine convent of San Marco, no fee is recorded, and Lorenzo agreed that Simone Puccini, the syndic and procurator of the convent, would decide the value of his altarpiece at completion. Puccini noted that his judgement would be based on the labour and costs of the painter

increasingly the case in the context of the contemporary artworld. (Bourdieu, "Social Space and Symbolic Power")

> as well as on the quality and pigments put into the work. It might seem that, in such cases, the painter accepted the commission and went forward on faith.".[144]

The previous examples illustrate that while Renaissance commissioners had particular ideas in mind for the works they commissioned, which tended to frame the outlines of an artist's contract and extended to decisions about theme, time-scale, materials and the artist's fee, other aspects of a new work such as subject matter and compositional and symbolic details were frequently agreed upon mutually or, in some cases, deferred to the artist alone. We find that artists were usually responsible for managing the production and execution of commissioned works as they had superior knowledge of colour, judgement of size and placement of figures and knew best how to create symbolic and emotional charge in their art. This was part of the value a commission offered as unlike buying an existing work of art 'off-the-rack', commissioners were investing in the knowledge, imagination and skill (the expertise) of the artist in making new works of art for their specific purposes as well as the boost in prestige that working with certain established artists afforded them. For artists, it is clear that the primary value of a commission was contingent upon the sum to be earned from it, though less quantifiable values such as the publicity afforded to particular commissions is not to be discounted. This was underpinned by O'Malley, who claimes that:

> "Certainly relationships had a deep impact on painters' acceptance of commissions; the low fees accepted for some work suggest the social value of particular jobs."[145]

This suggests, the value or rather, to again borrow from Bourdieu, the 'symbolic capital' certain commissions offered, which encouraged both commissioners and artists to work together.[146] The public attention and prestige that certain commissions offered was a key factor that encouraged artists and commissioners to work together and to

[144]O'Malley, *The Business of Art*, p. 125.
[145]Ibid., p. 113.
[146]Bourdieu, "Social Space and Symbolic Power".

accept the risks associated with a commission. Such collaborations, which enabled the exchange of ideas between agents are responsible for the realisation of a vast number of ambitious Renaissance works.

This has also been reflected in commissioners' choices to work with particular artists due to, as earlier noted, the prestige that working with an established artist could offer. It is also likely that working with an established artist offered greater assurances for commissioners of acquiring 'rich' art than working with an apprentice artist might, but also drew greater public attention. The value of such collaborations heightened the status afforded to a commission, bringing greater levels of prestige to the commissioner, which was a desirable feature of a commission for many Renaissance commissioners.[147]

It is the value such collaborations, in relation to enhanced reputation and prestige offered to both parties that encouraged commissioners and artists to trust each other and to work together in a commissioning process. It is this trust between commissioner and artist that enabled Michelangelo to push the boundaries of his practice, creating a work that radically departed from tradition (and the original remit of the commission) by extending the twelve figures from the pope's original proposal to include major narrative scenes. In this sense, the Sistine ceiling frescoes were a drastic departure both from what was typical at the time and for the artist, and far exceeded the expectations of the pope and his contemporaries. This, in turn, earned Michelangelo both a greater fee and further elevated his professional status as an artist.

It is the potential of commissions like that of Michelangelo's Sistine ceiling and the benefits that such projects offered to commissioners and artists that led them both to take risks and to trust each other in the making of new works of art. It is evident that the value of commissioning art for a particular context and purpose resulted in art that was both ambitious and well-suited to its context, influencing the way in which these works were experienced and consequently received by their audiences. Through these examples, one can infer that the rich period of artistic production, which defines the

[147] O'Malley, *The Business of Art*, p. 113.

Italian Renaissance era was the result of the willingness of commissioners and artists to cooperate and to work together.

1.2.3.2 Risk

As previously noted, trust was an essential part of the commissioning of Renaissance art and while Renaissance commissioners tended to select artists on the basis of their experience, they still wanted to have a clear idea of the art they were buying. However, in the absence of a completed artwork there is no absolute way of determining what the result of a commission will be. It is this tension, that underpins the primary risk involved in the commissioning model and despite the added level of confidence that regular communication and written contracts can offer, the possibility that the resulting work will deviate from that which is expected is a real and often likely possibility. This has been a continued point of contention for commissioners and artists from the Renaissance through to the twenty-first century.

The chance that a commission does not yield exactly what was anticipated could result in losses for both parties. This, however, is also what makes the practice of commissioning exciting as, while the risk of loss of investment is an inherent part of the commissioning process, so too is the potential for the artist to make a work that is far more ambitious and challenging than either the commissioner or the artist might have expected.[148] A number of very recent successful contemporary art projects, which demonstrate a high level of ambition, will be discussed in Chapters Three and Four, which chime with the historical examples presented here.

This is again perhaps no better demonstrated in a historical art commission than by Michelangelo, who when given the freedom to expand his vision for the Sistine ceiling, created a work that in both 'richness' and 'magnificence' surpassed the pope's original proposal.

[148] I use the term 'challenging' to denote artworks, which either due to their material or conceptual make-up introduce practical or theoretical challenges for arts institutions and/or the public.

Since the Renaissance, commissioning has been based on interdependent practices where the collective decisions between commissioners and artists have facilitated the making of new works of art. As noted, the commissioner is dependent on the skill, expertise and professionalism of the artist to make something new and the artist is reliant on the commissioner to provide the resources necessary to make a new work. Because commissioning is based on an exchange of services where payment is for the artist's skill and expertise and not *per se* for an object, the commissioner is, in a sense, buying more than a bespoke work of art. The value of the commission is instead for the artist's skill in the creation of the concept, execution and management of the commissioned work as well as the 'symbolic capital' that such commissions may offer in the way of reputation and prestige.[149] Commissioners are therefore investing in a multi-tiered process, informed by the expertise of the artist, rather than an existing object.

By accepting a commissioner's support artists must relinquish part of their control over the making of their art. This is due to the fact that by consenting to a commission the artist is no longer acting alone in the making of his or her art. Contemporary contractual law in France defines this choice as a distinction between independent and dependent creation 'crèation indèpendante et crèation dèpendante', which is not a feature of the artist's legal status, but rather a distinction founded in the process of creation.[150,151] However, the legal status of the artist in the creation of an artwork, whether independent or dependent, refers to the process of creation by an independent contractor (the artist) and this is of critical importance when considering the artist's moral rights in a commissioning process, which will be discussed in more detail in Chapters Three and Four.

[149]Bourdieu, "Social Space and Symbolic Power".

[150]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 06/02/2013.

[151]Distinctions between independent and dependent creation and ethics around art commissioning are discussed by Touboul. See: (ibid., Last accessed: 06/02/2013) Dependent creation, as defined by Touboul (2006) involves a contract for a work not yet created, and as such, falls under the category of contracts for 'future works', while independent creation tends to refer to a contract for the sale of a work that already exists.

This distinction between dependent creation and independent creation is an inherent feature of the commissioning process and one which creates the potential for risk for both commissioners and artists in the making of a new work. By commissioning a new work rather than buying an existing artwork, the commissioner accepts that the commissioned work could have many different forms. However, in the case of the former, the commissioner is instead investing in the process of making, where the work is yet to be made and therefore the outcome is unknown. In accepting a commission, the artist also forgoes complete independence in the creation of his or her art as by entering into a contractual agreement for a commission (s)he agrees to the clauses which define the creation of the work and accepts the constraints imposed on him or her by the commission. In this sense, the artist foregoes total creative freedom in the creation of the artwork in exchange for the resources and support provided by the commissioner as well as the status offered by the commission. This makes clear that by taking part in a commission both commissioners and artists are depending on each other and thus accepting a certain degree of vulnerability. Therefore, for both parties, respecting their responsibilities and the constraints outlined in the commissioning contract and communicating information and ideas effectively, have become essential in managing potential risks and delivering a successful project. However, in addition, it is also a process that calls for high levels of trust.

It is this joining-up of leadership between commissioners and artists as equal parts of a creative partnership, fostering shared control and cooperation between parties, that is at the heart of the commissioning process. Artists are depending on commissioners to outline the constraints of a commission and to provide the necessary resources to complete their works, while commissioners are relying on artists and their unique skills and expertise to make artworks to suit their particular purposes. It is this willingness to work together and to be mutually reliant, in part, that makes the commissioning of art a risky practice, as breaches of trust, breakdowns in communication or the failure to cooperate (which may occur within or out with a written contract) can have negative

consequences for both commissioners and artists. Breaches of trust will be discussed in more detail in Chapter Four.

The concept of risk will be examined more closely in the following chapter, which gives precedence to philosophical and sociological readings, presenting a framework for interpreting the relationships of different parties working toward a common goal. This has helped to generate a context and to put forward potential solutions to complex questions related to the sociology and psychology of groups (and in particular institutions and organisations), the hierarchies formed within them and the structures that have shaped their making.

Returning now to the contemporary context. In the context of contemporary art the range of materials being used by artists in the making of their works has increased an so too has the range of outcomes possible in the making of a newly commissioned work. The introduction of new materials by modern and contemporary artists, which fall outside those traditionally used in the disciplines of painting, sculpture, drawing, etching and later in fine art photography expanded the scope of art history, changing the way that art is made and experienced.[152]

However, while the use of new materials in the making of contemporary art has expanded the language around art production and spawned a host of innovative developments in the visual arts, it has also, simultaneously, presented new potential for risk. This has had particularly strong implications for the commissioning of contemporary works of art, which have led to more complex negotiations between commissioners and artists as the task of communicating precise ideas about the design and the aesthetic qualities of bespoke works of art have become increasingly difficult.

A recent example that demonstrates this well was the making of *Rhetoric Works & Vanity Works & Other Works* (2006) by Glasgow-based artists Joanne Tatham and

[152]The term 'traditional' will be used throughout this thesis to denote artworks that adhere to the disciplines of painting, sculpture, drawing, etching and fine art photography, where as the term 'non-traditional' will be used to describe artworks that fall outside of these categories.

Tom O'Sullivan, which was commissioned by the National Collecting Scheme Scotland (NCSS) and will be outlined in greater detail in Chapter Three. The commission was a partnership between the six original museum partners of the NCSS and the work was to be jointly commissioned and owned by them. The artists were selected, in part, on the basis of the ephemeral event-based work they had been making at the time, which lent itself well to a joint acquisition (e.g.: where the rights of the work (the event) could be shared across the different museums, but the legacy of the work would exist as a document).[153] While the brief for the commission was very open-ended, allowing the artists a high level of creative freedom in the development of the work, the expectation from the museum partners was that the work would be faithful to the temporary works the artists had been making. However, in the end, the work consisted of a single work made up of eight 'relational' large-scale mixed media objects, which were both materially and physically robust. While the work was deemed successful, and advanced the practices of the artists, this deviation from the ephemeral to the creation of a set of permanent objects problematised the joint acquisition of the work. This example demonstrates both the complexity and risks associated with commissioning contemporary art for public arts institutions as well as some the notable changes in the ontology of the artwork since the Renaissance.

It is on the basis of the relatively recent expansion in the scope of contemporary visual art that dialogues between commissioners and artists have become increasingly complex and therefore important. These have provided opportunities to solve potential problems at an early stage in a work's development and have helped to manage some of the risks associated with commissioning contemporary works of art. It is therefore that oral communication remains one of the primary means in which complex ideas are passed between artists and commissioners.[154]

[153]Bo Hanley. "Interview: Mungo Campbell 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: Hunterian Museum and Art Gallery, University of Glasgow. 2011.

[154]In the context of contemporary commissioned art the range of media now being used by artists in the making of their works (which are often multi-faceted, digital, ephemeral, large in scale and make use of often complex installation and fabrication designs) have increased the number of outcomes possible in

Like in the Renaissance, visual tools have continued to play a key part in negotiations between commissioners and artists. Drawings, sketches and occasionally maquettes continue to be used by contemporary artists to communicate ideas about the development of new works during a commission. However, the challenge of finding appropriate language to accurately describe and document contemporary works of art both during the development of a commission and after the work is complete has become part of the challenge of museum and gallery work.

Both Renaissance and contemporary contracts have proved very effective in outlining the practical constraints of a commission as well as detailing the responsibilities of commissioners and artists. However, despite this, the details of a work of art are still often best described through verbal negotiations. Thus, the relationships between commissioners and artists is of key importance when commissioning artworks that satisfy the artist, but still fit the requirements of those commissioning them. Because of the infinite range of possible outcomes a commission can have, which with the introduction of new technologies and media have become even greater in the last century, the potential for risk has also become more pronounced. This has made the need for strong oral communication between commissioners and artists throughout a project a particular area of importance in the twenty-first century.

Communication has proved effective both in managing risk and delivering successful commissioned projects, but also because it has become a valuable part of interpreting and documenting artist's choices about materials and their intentions for them. Maintaining continuous dialogues with an artist throughout the development of a work has helped museums and galleries to support the long-term care and preservation of contemporary works of art as well as to aid in their future re-installation. This is another area where commissioning has proved beneficial for museums in reducing the risks associated with collecting new art forms and in creating lasting legacies for contemporary artworks.

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the commissioning of a new work. (Martha Buskirk. *The Contingent Object of Contemporary Art*. The MIT Press, Cambridge, Massachusettes, 2005)

1.3 Conclusion

The commissioning model was used for different purposes between the Renaissance period and the present day, however, comparisons between Renaissance and contemporary contracts reveal that while changes in culture and society have led to certain shifts in the process of art making, many of the core features of a commission have sustained over time.

Artist contracts from the Renaissance reveal important information about the roles and responsibilities of artists and their relationships, which inform this investigation of contemporary art commissioning. This further supports the need to foster high levels of trust with the artist if museums are to engage in successful commissions. It is evident that the commissioning of art whether for Renaissance chapels or in the context of contemporary museums and galleries has continued to be a practice based on communication, exchange and trust. This is a feature that both Renaissance and contemporary contracts clearly demonstrate.

The examples outlined in this chapter show significant cross-over between Renaissance and contemporary contracts, particularly in relation to the general clauses (*clauses gènèrales*), which include stipulations such as the: names of artists and commissioners, the location and time-scale for a project, the kind of work being made, the materials and resources included in the commission and dates of payment and the amount the artist is to be paid (the commissioning fee). These general details outline the constraints of a commission and have continued to determine the primary responsibilities of commissioners and artists in the making of commissioned works of art. There are also more elusive features in a contract, which today, are identified through precise clauses (*clauses prècises*), which vary considerably from commission to commission, the number and specificity of which are often influenced by the less discernible features of a project such as the skill, reputation and experience of the artist and the relationship and level of trust built between the artist and the commissioner. Together, the general

and precise clauses of a contract determine, "le degrè de libertè de crèation de l'artiste et d'immixtion du commanditaire dans l'exècution de l'oeuvre" (the degree of creative freedom afforded to the artist and the level of interference of the commissioner in the execution of the work).[155]

Artist contracts have proved particularly instructive when investigating the roles and responsibilities of commissioners and artists as well as in highlighting core features of a commission such as cooperation, reputation and risk.

Both Renaissance commissioners and artists were aware of the potential risks associated with commissioning, but they were also familiar with the considerable benefits that successful commissioned artworks could bring them. The examples included in this chapter demonstrate how alliances between commissioners and artists resulted in creative partnerships, which enhanced trust and in doing so helped both parties to manage the potential risks associated with a commission. This, in turn, enabled commissioners and artists to prevent losses and maximise their respective investments while working toward a mutual goal, a finished satisfactory work of art.

More recently, commissioning has expanded and the relationships between commissioners and artists have become increasingly complex. This is in part a consequence of the introduction of museums and galleries, which have expanded the market for contemporary art. The growing number of public museums and galleries, which spread across capital cities and later spread to regional locations across Europe and the UK in the late eighteenth and nineteenth centuries eventually led in the twentieth and twenty-first century to the emergence of arts institutions dedicated to the collection and presentation of modern and contemporary art. This brought greater exposure to artists and their works and further elevated the artist's professional role in society.

Synonymous with the introduction of public museums and galleries came evolutions in the processes and practices of commissioning and, as previously discusses

[155]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", p. 6, Last accessed: 21/06/2013.

ontological changes in the artworks being made, as well as the arrival of new strategies for producing and presenting art. Prior to the introduction of public museums, commissions were often undertaken independently by an individual commissioner or family and commissioners played a very direct role in the making of Renaissance art. As this chapter has shown, this was reflected in their choices of particular artists and in their decisions about the location, size, and the materials used in the development of a new work as well as more elusive aesthetic details such as the themes, number of figures and the application of colour used.

Once commissioning practices were adopted by public museums and galleries and no longer limited to strictly religious and domestic contexts, the relationship between the commissioner and the artist changed. Commissioned art, to a degree, lost its intimate connection with a commissioner. No longer attached to the personal glorification or the political pursuits of a single wealthy individual or family, works commissioned in the context of public art collections lacked the signature of a commissioner. The relationship between commissioner and artist as equal parts of a creative partnership began to shift affording greater power to the artist over his or her work.

There are no two existing artworks which are identical nor are there two commissions that are exactly alike. A commission is an ephemeral process that can far exceed the context in which it was made. The realisation of a work of art thus tells a story, the commissioning process is therefore woven into the narrative of a commissioned work of art, and is thus a product of the political and social climate in which it was made. Despite vast changes in the ontology of the artwork from the Renaissance to the present day art commissions continue to offer particular benefits to artists and commissioners. These benefits have extended beyond the value of the artwork itself and have given greater weight to the reputation and prestige that such collaborations offer to both commissioners and artists. The potential that working with particular institutions and artists offered in the way of enhanced 'symbolic capital',[156] which in turn tended to

[156]Bourdieu, "Social Space and Symbolic Power".

equate with rises in economic capital was a significant part of art commissioned during the Renaissance and artists often sought to work with prestigious commissioners due to the attention such commissions could foster and this was also true of commissioners desires to work with 'established masters'.[157] This continues to be a part of art commissions in the twenty-first century. This chapter has addressed central features of the commissioning process using the language of contracts to map shifts in practice from the Renaissance to the present day. In particular, it has examined core features of art commissioning, such as: the relationships between commissioners and artists, the role of negotiation and exchange as well as the importance of risk and trust in the making of commissioned works of art.

The language of commissioning contracts and the responsibilities of artists and commissioners have shifted over time, drawing attention to changes in perceptions of risk and trust as well as to shifts in artistic practice, the use and kind of materials being used by artists and in the creative freedom and moral rights of artists in the making of their works. There has also been an expansion of the art market, impacting the way art is made, sold and acquired as well as its function in relation to contemporary audiences. Consequently, the definition of a commission and what it involves has evolved. Like in the Renaissance, contemporary commissions can be both for public or private viewing, however, in the contemporary context commissioning has expanded and is now an umbrella term that accounts for a range of different practices. Still, despite these changes, commissioning has continued to be an exchange that is founded in cooperation and dialogue, features which will be examined in greater detail in the following chapter.

[157] O'Malley, *The Business of Art*.

Figure 1.5: Michelangelo di Lodovico Buonarroti Simoni, c.1475 -1564, *Sistine Ceiling*, 1508-1512, *Fresco*, Dimensions: 40.5 m x 14.0 m, Sistine Chapel, Vatican, Rome, For photo see: http://en.wikipedia.org/wiki/File:Sistine_chapel.jpg. Accessed: 13/07/2013.

Chapter 2

Commissioning as a Trust-Based Practice

2.1 Introduction

The notion of trust has been a topic of growing interest since the 1980's, drawing the attention of scholars in the fields of economics, sociology, psychology and more recently in the areas of institutional and organisational management and programming as a principle aspect of exchange relations both at the interpersonal and interorganisational level. There has been a growing body of evidence, which acknowledges trust as having strong benefits for individuals and organisations as high levels of trust have been seen to reduce opportunistic behaviour[1] and increase performance by encouraging cooperation and collective goal setting.[2] Trust also has other neutralising effects as it acts as a

[1] Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance"
Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle".

[2] Gambetta, *Trust: Making and Breaking Cooperative Relations*
Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra".

catalyst to ease negotiations and mitigate risk.[3] It has been argued that high levels of trust within interpersonal and organisational exchanges support greater productivity and efficiency as trust reduces the need for individuals and organisations to implement costly, elaborate protections to guard against opportunism.[4]

More recently, research on the sociological and psychological implications of trust has suggested that it is a key concern in generating innovation within and across organisations as well as aiding in efficiency in interpersonal and interorganisational exchanges. Trust has been seen to generate positive attitudes, which have been shown to facilitate cooperation and thereby prevent opportunism and mitigate against risk. Trust acts as both a mitigator of risk, but also has been seen to encourage risk-taking, this is very important in facilitating innovation, which is of particular relevance in the creative industries.[5] These characteristics of trust make it particularly valuable for public museums and galleries that seek to commission artists to make new work for exhibition and collecting. Trust is a fundamental part of museum and gallery commissions, which are based on exchange relations. Art commissioning involves the exchange of one valuable service for another and by consequence also involves risk. Anthony Seldon writes that all exchange involves risk, and the higher the stakes the greater the potential losses and consequently the greater the risk involved.[6] This is not to say that trust functions independently within exchanges within the artworld. As previously mentioned trust relates to other key features of the artworld, introduced previously, such as cooperation, competition and prestige.

However, while risk is often perceived negatively in connection with financial or

[3] Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork".

[4] Dirks and Ferrin, "The Role of Trust in Organizational Settings".

[5] Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics"
Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising"
Desai, "Constrained Growth: How Experience, Legitimacy, and Age Influence Risk Taking in Organizations".

[6] Seldon, *Trust: How we Lost It and How To Get It Back*.

material losses, it also has an important role to play in relation to creativity and innovation at the individual and organisational level.[7] Higher levels of risk-taking (experimentation) have been linked to greater levels of individual and over-all creativity in organisations. A number of studies demonstrate how higher levels of risk-taking have led to increased performance at both the individual and organisational level.[8] This is due to the positive correlation between risk-taking and invention, creativity and social and cultural advancement. In other words, as Onora O'Neill claims: 'nothing ventured nothing gained'.[9] This is particularly important for museums and galleries, since risk continues to be a key factor that has deterred them from commissioning contemporary art. It is therefore that risk must be examined together with trust and in accords with both its negative and positive values as well as with other relational factors such as cooperation, competition and prestige. This chapter examines the importance of trust in the context of museum commissioned art and argues that by developing and sustaining trust-based relationships with artists, museums could overcome issues of risk, which have prevented contemporary art commissioning from becoming a mainstream museum practice.

Drawing on existing research on trust in organisational management and sociological and psychological readings of trust, this chapter examines the benefits of building and sustaining trust and why trust in arts organisations is particularly important. This is because it plays a central role, not only in mitigating risk, but also in encouraging creative risk-taking, which is a key factor in facilitating artistic innovation. It argues that the study of contemporary art commissioning as a trust-based practice can support museums and galleries to develop cooperative interpersonal and interorganisational

[7]Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics"
Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising".

[8]Lyng, "Edgework: A Social Psychological Analysis of Voluntary Risk Taking"
Luhmann, *Risk: A Sociological Theory*
Wiseman and Bromiley, "Toward a Model of Risk in Declining Organizations: An Empirical Examination of Risk, Performance and Decline"
Tierney, "Toward a Critical Sociology of Risk"
Bouleau, *Risk and Meaning Adversaries in Art Science and Philosophy.*

[9]O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'", Last accessed: 21/06/2013.

relationships in order to overcome issues of risk in the commissioning of new work by building and sustaining mutual trust in artist-commissioner exchanges. It also acknowledges how other factors such as reputation, competition and prestige play a key part in the structuring the relationships that enable the production of new works of art and their consumption.

Trust is a key part of exchange relations as all economic exchange requires trust.[10] The commissioning of art is premised on commissioner-artist exchanges, which necessitate cooperation and trust. This chapter proposes that commissioning is a trust-based practice and examines it in the context of other trust-based practices. It also examines why trust is a crucial part of creative innovation in the making of new works of art and therefore how it relates to other factors such as reputation, prestige, competition and cooperation, which structure the interpersonal and interinstitutional exchanges that characterise the artworld. Specifically, it proposes that efforts to build strong interpersonal and interinstitutional relationships could help to enhance cooperation and reduce competition within this context. Further to this, developing a language of trust in arts policy where commissioned projects are concerned could help further the benefits offered by commissioning for artists and public museums and galleries alike.

This chapter acknowledges how relationships play an important role in the context of museum and gallery work as they promote more efficient exchanges as well as reducing the risks involved in commissioning. The claim that trust offers the potential to mitigate risk in interpersonal and interorganisational exchanges has been widely supported by organisational management scholars[11] as well as by sociologists and psychologists.[12]

[10] Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

[11] Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications"
Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

[12] Dirks and Ferrin, "The Role of Trust in Organizational Settings"
Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork"
Kramer and Tyler, *Trust in Organizationions Frontiers of Theory and Research.*

This is an area of particular concern for public museums and galleries, as to date a language of risk has frequently been used in cases where art commissioning is concerned. Risk has historically been difficult for public museums and galleries to manage, causing the commissioning of art to remain relatively underused compared to other mainstream museum practices.

Yet research on trust continues to be a fertile terrain, stimulating a growing concentration of literature both adding to the fields previously noted and expanding into other more disparate areas of academic research. In particular, it has been noted that trust is based on attitudes, moods and emotions that are rooted in the individual but can be of particular importance for organisations as trust can give organisations advantages over others.[13] Meanwhile it has also been argued that trust can support cooperation and ease negotiations, which impact performance outcomes.[14] In the context of museum work cooperation can create positive relationships with artists that can strengthen a museum's reputation and present possibilities to work with other high-profile artists after. This can, conversely, also reflect positively for the artist by drawing greater positive attention to his or her work, which, to borrow from Bourdieu, may equate to enhanced 'symbolic capital'.[15] Niklas Luhmann noted that: "A system - economic, legal or political - requires trust as an input condition. Without trust it cannot stimulate supportive activities in situations of uncertainty and risk."[16] Further to this, Anthony Seldon argues that trust is part of our day-to-day existence.[17]

[13]Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications"
Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork".

[14]Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra"
Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance"
Dirks and Ferrin, "The Role of Trust in Organizational Settings".

[15]Bourdieu, "Social Space and Symbolic Power".

[16]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 103.

[17]Seldon, *Trust: How we Lost It and How To Get It Back*.

The benefits of trust have been unanimously observed as having a strong positive correlation with organisational efficiency and over all performance and recent literature has identified trust as a key factor in overcoming issues of risk.[18] Yet despite this there is very little research that has been done to examine the impacts that relationships have on the success of exchanges where commissioning is concerned or which examine the impacts of trust in this context specifically.

There is a considerable amount of literature that discusses the impacts of trust on building positive interpersonal and interorganisational exchanges, however, there is yet to be a study that investigates the effects of trust in exchanges between commissioners and artists working in an organisational context nor which examines art commissioning as a trust-based practice, and the issue of trust remains largely under-represented within the area of arts policy research. A language of risk has instead dominated the literature around contemporary art commissioning practices. Despite a stream of recent publications that identify trust as promoting a wide range of benefits at the individual and organisational level across other disciplines, there is a need to develop scholarship that responds to the importance of developing and sustaining trust-based relationships within the artworld. This chapter responds to this gap in the current research by examining why trust is a key aspect of artistic innovation in the context of commissioned art. In doing so, it draws attention to the role that trust plays in the context of exchanges between individuals (artists) and public arts organisations (museums and galleries) in the commissioning of contemporary works of art and the important role that trust has to play in promoting cooperation and enhancing reputation, which can in turn translate into greater numbers of opportunities for future projects, especially in a competitive market such as the art market.

Individual and organisational exchanges around the commissioning of contemporary artworks are based on a legal relationship in which a payment is provided to an

[18] Luhmann, *Risk: A Sociological Theory*
Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)"
Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications".

artist for services rendered, not necessarily to include the purchase of an artwork. This suggests a fluidity in the nature of museum commissions and illustrates that museums and galleries are now commissioning contemporary art that can and often does extend to the purchase of such works by a commissioning organisation – to its benefit.

The use of commissioning as a strategy for collecting has blurred the lines in commissioner-artist exchanges, making commissioning both an exchange of services, and with the purchase of an artwork, an exchange of goods by extension. It is important to note that contemporary art commissions are a unique and specialised kind of trust-based exchange, in that the making of a work of art in the context of a museum or gallery requires a high level of specialised skill (on the part of the artist) and a high level of institutional investment in that skill (from the commissioning museum or gallery). It is the collective investment of these specialised skills that results in the production of new works of art.[19] Commissioner-artist exchanges are therefore not limited to an investment in services or goods alone, necessarily, but may involve both.

This is important when evaluating trust in the context of commission-based exchanges for two reasons. First, the fluidity of commissioning practices within the context of museum and gallery programming, has led to varied results, making performance during and the success after the completion of a project, difficult to evaluate. Second, as the previous chapter suggests, commissioning processes, which as such, involve an exchange of one valuable service for another are by consequence a relatively high-risk activity when compared to the exchange of a payment for a pre-existing object. However, it is precisely this feature of a commission – the risk attached to it, that requires strong relationships and trust between commissioners and artists. This is underpinned by Wicks *et al.*, who suggest that:

> "Trust becomes both possible and important in contexts where both parties have something at risk. Thus where dependence (i.e., risk) exists, trust becomes a potential coping mechanism; as it increases, so too does the potential

[19] Becker, *Art Worlds*.

need for trust."[20]

Risk and trust compliment each other as trust emerges only where risk is present[21] and without trust most social and material exchanges could be seen as risky. Strengthening interpersonal and interinstitutional relationships through partnership projects could help to generate cooperation and in turn could help to generate a shift in arts policy by combating against the present language of risk and fears and anxieties that exist in the artworld around commissioning. This, I argue, has the potential to stimulate higher levels of support from national funding bodies for public museums and galleries seeking to develop their collections by commissioning, as healthy relationships and higher levels of trust can give way to more ambitious projects. This could also help to encourage public museums and galleries, not actively commissioning, to explore new opportunities as well as enabling organisations who actively commission new work the confidence to make commissions a more regular part of their programmes.

Primary research in the form of interviews undertaken for this research as well as recent scholarship on trust in newspaper and journal articles have acknowledged trust as a core component of art commissioning practices. Yet, despite the positive impacts that cooperation and trust can have on reducing competition for contemporary artworks, a language of risk has dominated art funding policies where commissioning is concerned.

Resignations about risk, or rather the failure to trust others in the presence of risk, are not limited to exchanges between museums and artists, recent scholarship suggests that we are currently facing a 'crisis in trust'.[22] Seldon argues that there is a 'crisis in trust' that currently impacts all areas of social life and can be traced across all spectrums of society at both the individual and organisational level as a consequence of higher levels of surveillance and performance monitoring.[23] This has led to reduced

[20]Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications", p. 104.

[21]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)".

[22]Seldon, *Trust: How we Lost It and How To Get It Back*
O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'".

[23]Seldon, *Trust: How we Lost It and How To Get It Back*.

levels of individual autonomy and freedom in decision making and self-governance in organisational activities and higher levels of suspicion and fear. O'Neill argues that these fears stem from not necessarily a 'crisis in trust', as noted earlier in the chapter, but rather a 'culture of suspicion', which has become an increasingly salient feature of contemporary culture and one that I will return to later.[24]

As suggested in the preceding chapters, the slowness with which public museums and galleries have adopted commissioning practices, which involve a certain degree of risk-taking, can be seen to reflect a deficit in institutional trust. This can be seen to stem from the way many arts institutions are structured and managed, which still tend to favour 'traditional' linear models of organisation that favour control over flexibility.[25] Jane Collier and Rafael Esteban argue that in linear organising systems 'order is seen as contingent on the maintenance of control, and any loss of control carries the risk of "disorder' which threatens established structures and modes of functioning."[26] Where there is the risk of uncertainty, institutions governed in this way will seek to measure and hypothesise as a way of ordering outcomes, in an attempt to manage risk. This, "react[ion] to change by attempting to manage the environment, to transform it adversarially and competitively rather than seeking to respond to it."[27] However, for arts organisations whose mission is, in part, to contribute to artistic advancement, and where flexibility to change, experimentation and risk-taking are seen to be linked to increased creativity and innovation, "linear models of organization and associated understandings of governance based on Newtonian logic are no longer appropriate."[28,29] In order for commissioning practices to become a mainstream institutional model for exhibiting and collecting contemporary art requires not only a commitment to trust, but also a shift

[24]O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'", Last accessed: 21/06/2013.

[25]Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics".

[26]Ibid., p. 172.

[27]Ibid., p. 176.

[28]Ibid., p. 176.

[29]This notion of structured linearity, which was originally implemented by the English physicist and mathematician Sir Isaac Newton (1642–1727), has like Newtonian physics, allowed shallow applicability to the reality of a changing world.

in perceptions of risk within the artworld, where risk-taking is rewarded as a basis for promoting higher levels of creativity rather than penalised.[30]

To date there have been very few funding initiatives within the artworld that have encouraged risk-taking by endorsing practices such as commissioning. In the UK there is a relatively low tolerance for risk from local and national arts funding bodies. This has been demonstrated by the fact that until very recently, major UK funding bodies like the Art Fund, the Art Collections Fund and the Arts Council of England's Special Collections Scheme have not included commissioning in their funding provisions for public museums and galleries. The perceived risks associated with commissioning and collecting newly commissioned artworks are at the centre of the debate over whether public museums and galleries should invest in contemporary art commissions. However, organisational fears about the possibility of failure or loss of public resources and investment seem to currently override the various creative, cultural, social and economic benefits that investing in trust through an awareness of the positive results of cooperation can offer to public museums and galleries by limiting risk and reducing competition.

Failure to engage in trust-based practices like commissioning has hindered public museums and galleries in the UK from maximising the benefits offered by working directly with artists. Consequently, the commissioning and collecting of contemporary commissioned art by UK museums and galleries is yet to become a mainstream practice despite the fact that many European and North American museums have increasingly used commissioning to develop the scope of their contemporary art collections by actively commissioning artists with the intent to collect their work.[31]

However, in order for museums and galleries to maximise the potential benefits offered by commissioning requires not only generating, but sustaining high levels of cooperation and trust both at the individual level (between artists and museum and gallery professionals), but also at the organisational level (between arts organisations

[30] Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising".
[31] See: Chapter Three for examples of international commissioning models.

and the bodies which fund them) as well as with the publics they serve. There is a need to develop a language of trust within the artworld in order to make better use of museum commissions. This raises an important question: Does the more regular use of commissioning as a mechanism for collecting by American and European museums suggest that their are cultural disparities in trust or in the willingness to take risks, or have different countries simply developed more effective measures to mitigate failure and loss? Before answering this question and examining how high-levels of trust impact cooperation, reputation and in turn competition and prestige, it is first necessary to define the term trust in this context and why it is important to the art commissioning model. This provides a starting point for examining more complex questions such as: what locates art commissions in the context of existing trust-based practices; what is needed to generate and sustain trust in interpersonal and interoganisational exchange and what are the causes for break-downs in trust within the artworld (e.g.: for the development of mistrust). Furthermore, how does trust relate to other factors such as cooperation, competition, reputation and prestige and what is necessary to develop trust with these factors in mind? In answering these questions, I draw on a range of literature from different disciplines, which offers different interpretations of trust and why it is important to social and cultural progress. This provides evidence that supports why such factors are of key importance to the functioning of the artworld and in particular to to commissioning practices.

2.2 Trust and Why it is Important

Scholars from various disciplines agree that trust is highly beneficial to interpersonal exchanges and to the functioning of organisations. For example, organisational management scholars profess that trust is a valuable good, one which can have extensive benefits in both individual and organisational performance and exchange. Yet trust is notoriously difficult to define and perhaps even more difficult to control, since like other

attitudes or emotions, it stems from a psychological state that can be influenced by external sociological and environmental factors, which are rooted in individual experience. Because of this, developing solutions to generate and sustain trust in interpersonal and interorganisational exchanges are not always straight forward, yet nonetheless necessary. Consequently, understanding how trust is built as well as how it is destroyed and how it affects exchange relations is central to the study of museum commissioned art and the relationships that make-up and to a degree govern the artworld.

The existing research on trust has defined it in a number of different ways. Trust has been described as a psychological state, either perceptual or attitudinal, which comprises the intention to accept vulnerability in situations of risk based on positive expectations about another's motivations or actions.[32,33] This definition identifies that trust is based on a belief in a future event or "the anticipated behavioural integrity and the benevolence of others."[34] This chimes well with Bourdieu's perspectives on 'belief' examined in the Introduction, where he argues that belief is rooted in an individual's subjective perception.[35] In other words, this suggests that trust is based on expectations or intentions,[36] which involve feelings and beliefs that may or may not be genuine.[37] This entails that the trustor can rely on the trustees actions or words (his or her trustworthiness) and that the trustee has positive intentions towards the trustor, thus trust and trustworthiness coevolve so much so that in the absence of trustworthiness trust is not sustainable.[38]

However, while the preceding definitions suggest that trust is weighted towards a concentration on the future and on an individual's analysis of forthcoming events, it

[32]Annette Baier. "'Trust', The Tanner Lectures on Human Values (presented at Princeton University)". In: *The Tanner Lectures (Online)* (1991), pp. 107–174. URL: `http://www.tannerlectures.utah.edu/lectures/documents/baier92.pdf`, Last accessed: 06/07/2013.

[33]Dirks and Ferrin, "The Role of Trust in Organizational Settings"
Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle".

[34]Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle", p. 93.

[35]Bourdieu, *The Field of Cultural Production*.

[36]Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle".

[37]Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork", p. 533.

[38]Dirks and Ferrin, "The Role of Trust in Organizational Settings".

may also involve considering past events such as previous encounters or experiences that either encourage or thwart confidence. It has been argued that trust is a psychological construct, the experience of which is the outcome of the interaction of an individual's values, attitudes, moods and emotions.[39] It is therefore that trust is not a constant, but rather is subject to change according to individual experiences, time and events. There are different states of trust, which stem from distrust, to conditional trust and finally to unconditional trust, the experience of which is dynamic and can shift quickly between these different trust states.[40] This was supported by Wicks *et al.*, who claim that:

> "[...] trust is a dynamic and continuous variable rather than an either or phenomena. Trust exists in a wide spectrum that can vary substantially both within and across relationships, as well as over time.".[41]

It has been argued that confidence is often based on familiarity, which can in turn lead to trust.[42] Familiarity is a product of time and earlier exposure to someone or something. People are more inclined to trust those that they are familiar with based on an established predictability of the other person's actions, values and attitudes, which together form the individual's experience. This is how reputation is built, which as noted earlier, has a central role to play within the artworld as there is a positive correlation between the strength of an agent's reputation and his or her level of prestige. This was suggested by Jones and George, who argue that:

> "[...] social interaction is built on expectations that are partially cognitive and based on past experience, it is likely that people's attitudes toward others contain beliefs about the trustworthiness of these others based on past experience, knowledge and interactions."[43]

[39] Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork".

[40] Ibid.

[41] Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications".

[42] Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)".

[43] Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork", p. 533.

In the commissioning of contemporary art by museums and galleries, familiarity and experience have played a key role in both generating and sustaining trust, as positive commissioner-artist exchanges have supported higher levels of confidence and cooperation and eased negotiations. Trust has also been described as a form of altruism or a desire to work toward a collective good and the belief that others will do the same.[44] In the context of museum commissioned art, the nature of trust involves a composite of many of the existing definitions of trust. As even though such commissions take place within an organisational structure, commissioning is still based on relational exchanges between individuals (e.g., museum professionals and artists) and as this chapter shows the nature and efficiency of such exchanges is often a result of the strength of the relationship and the degree to which agents are able to cooperate and trust eachother.

So far the research has examined trust in relation to person to person exchanges, and while this research adopts the position that trust has its basis in individuals, it also acknowledges that groups of individuals make up organisations and thus it is worth considering some definitions of organisational trust, since both individual and organisational trust relate to the examination of exchanges between artists and commissioners working within the organisational structures of a museum or gallery environment. The literature on exchanges between individuals in a work environment and interorganisational exchanges put forward several definitions of trust:

> "confidence or predictability in one's expectations about another's behaviour, and confidence in another's goodwill (Ring and Van de Ven (1992))" and reliability, predictability and fairness (e.g., that actors can be relied on to fulfil expectations, will behave in a predictable manner and will act fairly when opportunities for opportunism arise)."[45]

Trust in this sense also involves a level of strategic choice both from the trustor and the trustee, the trustor in trusting the trustee must allow a certain degree of freedom

[44]Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra".

[45]Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance", p. 143.

to govern him or herself and the trustee has the free will to do or not to do the same. In the decision to trust, there is also the level to which one decides to trust another. Where stakes are high, the potential losses tend to also be great. Wicks *et al.* have therefore put forward a definition for optimal trust, which suggests that there is a "golden mean" between excess (over-investment in trust) and deficiency (underinvestment in trust).[46] They define this as:

> "Optimal trust exists when one creates (and maintains) prudent economic relationships biased by a willingness to trust. That is agents need to have stable and on-going commitments to trust so that they share effect-based belief in moral character sufficient to make a leap of faith, but they should also exercise care in determining whom to trust, to what extent, and in what capacity. Optimal trust is an embedded construct, suggesting that it is determined in context and shaped by a variety of factors, such as the trustworthiness of the agent, local and broader social norms regarding trust and other features of the relevant social structure(s)."[47]

This is underpinned by Seldon who claims that trust is both innate and nurtured and is therefore about the present, but is also about a relationship with the past and the future.[48] In this sense, trust is both a conditional and a limited good,[49] which he posits is rooted in two basic criteria: "that the party being trusted will incorporate the trusting party's interests into its own, and that it is capable of the actions required."[50] Previous definitions suggest that trust is multifaceted, therefore, for the purpose of this research rather than adopting a single definition of trust and applying it to the context of museum commissioned art, instead I apply a hybrid definition, which is inclusive of many of the key concerns previously introduced. This definition acknowledges that trust has many dimensions that stem from individual relationships and extend to those at the organisational and interorganisational level. I argue that trust is an essential part of

[46]Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications".

[47]Ibid., p. 103.

[48]Seldon, *Trust: How we Lost It and How To Get It Back*.

[49]Marek Kohn. *Trust, Self-Interest and the Common Good*. Oxford University Press reprinted by Harvard University Press; London, 2008.

[50]Ibid., p. 59.

social exchange, which takes its basis in individuals and is premised on regular human interaction and is therefore both inherent and generated,[51] it varies within and across relationships and in relation to time.[52] Most crucially though, I argue that trust is a means to overcome risk as the possibility of loss is stabilised through the potential for mutual gain, as to trust suggests that parties will act in "good will" to each other even where opportunities for opportunism arise.[53]

However, trust can exist, only where there is freedom to act autonomously. Hence, measures of control, while necessary in business exchanges, may create assurances against risk, but they also diminish trust. Therefore, in order for trust to be sustainable, it must allow for a degree of individual governance. While control may help individuals to form positive expectations about each others behaviour, trust allows them to cooperate with one another and to overcome risks by encouraging individuals to control their own behaviour.[54] This is also why sustainable trust must be mutual and, as I will argue, mutual trust is a product of equal exchange relations (e.g., where both parties have equal stakes in both the potential risks and the gains of the relationship).

2.3 Trust: Benefits and Risks

However, while much of the existing scholarship acknowledges how trust and risk coevolve, it also suggests that there are many benefits of trust in interpersonal and interorganisational exchanges. At the very base level, argues Seldon, trust is crucial because it is a fundamental mechanism for survival, noting that "the mutual gain which is inherent at the heart of trust is one reason why it is so extraordinarily important and valuable."[55] The mutual benefits that trust offers are particularly necessary in high-risk practices like

[51]Seldon, *Trust: How we Lost It and How To Get It Back*.
[52]Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications".
[53]Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle".
[54]Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra".
[55]Seldon, *Trust: How we Lost It and How To Get It Back*, p. 9.

art commissioning. McEvily *et al.* underpin this by writing that: "Trust provides a powerful lens for scrutinizing the social motives driving individuals to combine their efforts toward common goals."[56]

In this sense, trust can be seen to promote reciprocity and interdependence.[57] Interdependence is a key part of the commissioning model since artists are relying on commissioners to supply a context and to make their work accessible to the public as well as the resources necessary to bring a project to fruition, while commissioners are relying on the skill, commitment and professionalism of the artist to make a new work. Interdependence and trust coexist, since:

> "[...] the creation of an interdependent relationship can provide the foundation for developing and sustaining high levels of trust. When parties are willing to invest in their relationship and create interdependence – if it is anchored in affect-based belief in moral character – there is a foundation for parties to take a leap of faith and to create high levels of trust."[58,59]

Research on trust also suggests a variety of other potential benefits that can result from cooperation and trust as a byproduct of strong relationships at both the individual and organisational level. At the organisational level there is a vast and expanding body of literature, which demonstrates the importance of trust in economic life, including costs, savings and enhanced organisational capacity.[60] Dirks *et al.* claim that: "Trust results in distinct (main) effects such as more positive attitudes, higher levels of cooperation (and other forms of workplace behavior), and superior levels of performance."[61] Strong

[56]Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle", p. 101.

[57]Dirks and Ferrin, "The Role of Trust in Organizational Settings".

[58]Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications", p. 109.

[59]Wicks *et al.*, define 'affect-based belief in moral character' as stemming from the fact that the effective element of trust is rooted in a belief in the moral character of another individual. In: (ibid., p. 110). Hence the term suggests that the moral dimension of trust becomes part of its affect.

[60]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)"
Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications"
Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

[61]Dirks and Ferrin, "The Role of Trust in Organizational Settings", p. 450.

relationships are however a basis for trust and as a consequence have a significant part to play in enhancing an agent's economic position. This is central to organisational efficiency and improved performance results, which are important for museums and galleries seeking to work collaboratively with artists to commission new work, but in particular, in instances where arts organisations work collectively with other organisational partners to co-commission. This was underpinned by Jones and George, who claim that cooperation and team work can give organisations a sustainable competitive advantage.[62] This is especially true where there is competition.

In exchanges between arts organisations working together to commission a new work of art, trust can fundamentally change the quality of the exchange relationship. This can be applied to group dynamics within a single organisation as well as to individual interactions between commissioners and artists during a project. In the commissioning of contemporary art, an area where artistic skill and creativity are paramount, this can have particularly beneficial results for both museums and artists as cooperation reinforces shared values, positive attitudes and effects, which promote social interaction and creativity.[63]

In business exchanges, trust has been identified as encouraging cooperation,[64] easing negotiations and improving coordination and organisation.[65] These benefits, which emerge from trust-based relationships, contribute to improved performance at both the individual and organisational level. At the organisational level, it has been argued that trust can help to reduce conflict, encourage shared decision making and smooth negotiation processes, which in turn lead to higher levels of efficiency and improved performance.[66] Zaheer *et al.* claim that: "Eased negotiation and reduced conflict are indeed

[62] Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork".

[63] Ibid.

[64] Gambetta, *Trust: Making and Breaking Cooperative Relations*.

[65] Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

[66] Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

outcomes of trust."[67] There are two primary reasons for this they suggest:

> "1.) Partners in relational exchange that have forged a high level of interorganizational trust are more likely to give each other the benefits of the doubt and greater leeway will tend to reduce the scope, intensity, and frequency of dysfunctional conflict.
>
> 2.) For example, rather than assigning blame and debating responsibility for bearing the costs of changes, the parties will tend to direct their efforts toward determining how best to reach mutually beneficial solutions."[68]

Here we see that trust can have positive effects by encouraging openness and easing negotiations central to cooperation, but also by decreasing conflict, opportunistic behaviour and by reducing the need to resort to costly legal remedies. McEvily *et al.* describe this dual aspect of trust as being based on the 'structuring and mobilizing' affects it offers.[69] They argue that these features of trust support higher levels of efficiency and organisation within interpersonal exchanges, by promoting openness and knowledge sharing and thereby greater confidence, reducing the need for surveillance and other screening techniques and measures by encouraging individuals to contribute and work toward mutual goals.

In doing so, trust acts as a catalyst for improved exchange relations by both increasing positive attitudes toward an individual's future behaviour and decreasing negative attitudes or suspicions about the actions or motives of another. This is underpinned by Dirks and Ferrin who note, in the twelve studies they examined, that: "In general, lower levels of trust were associated with suspiciousness of the information, while high levels of trust were associated with acceptance of the information."[70] This suggests that suspicion can be a cause for lower levels of efficiency and can lead to increased protective measures such as monitoring and surveillance as organisations seek to protect themselves

[67] Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance", p. 153.
[68] Ibid., pp. 145-146.
[69] Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle".
[70] Dirks and Ferrin, "The Role of Trust in Organizational Settings", p. 455.

against potential losses. In such cases, however, trust can help to neutralise and overcome suspicion and the added costs associated with it. Therefore, if arts organisations seek greater levels of performance and efficiency, cooperation and trust are essential.

The benefits of trust, however, extend beyond the limits of individual and mutual gain, trust also plays a key role in deterring negative conditions and effects in exchange relations by combatting against risk and uncertainty in various ways. This becomes important at the individual, but in particular at the organisational level, since, "[...] most interactions in organizations entail uncertainty, and when there is uncertainty, there must be some element of trust."[71] Also, because in situations where competition is high trust can lead to additional positive results beyond a single project by enhancing agents' reputations. Zaheer *et al.* argue that where relationships are characterised by trust:

> "[...] the parties are able to accept periodic disagreements without fear of exploitation because the risk that conflict will permanently damage the interpersonal relationship is lower in the presence of interpersonal trust."[72]

This is part of what they have described as trust's impacts on the 'internal harmonization of conflict'.[73] However, trust can also help to prevent opportunism as well as to avoid the necessity to protect against it, by generating positive attitudes about others, promoting altruism and heightening the awareness that both parties are working to achieve a common goal. This was underpinned by McEvily *et al.* who argue that: "trust reduces the inclination to guard against opportunistic behaviour (e.g., through monitoring and safeguarding) by encouraging actors to suspend judgement on others."[74] Further support for this claim was suggested by Wicks *et al.* who noted that:

[71] Jones and George, "The Experience and Evolution of Trust: Implications for Cooperation and Teamwork", p. 533.

[72] Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance", p. 145.

[73] Ibid., p. 145.

[74] Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle", p. 98.

> "Without some element of emotional investment and self-restraint embedded within trust, agents are faced with either opportunism or higher agency or transaction costs to prevent opportunism. The neutralising affects that interpersonal and interorganisational trust can create have been theorised to result in more efficient exchanges and higher overall performance."[75]

For both agents (commissioner and artist), there is the risk of loss of investment and reputation in the exchange if a commission fails. Yet, while the risk of failure is one key aspect of the museum's hesitance toward commissioning, it is also the potential for risk which makes cooperation and trust vital components of the art commissioning model. However, while trust is a crucial part of interpersonal and interorganisational exchange, over time, individuals and organisations operating in contemporary society have sought more formal means of protecting their investments and assuring against opportunism, exploitation and risk. This is represented by the increased use of legal contracts and agreements, financial incentives and bonuses and regular inspections, outlined in the following section, all of which have been put in place to boost accountability and protect against loss.[76]

2.4 Contracts, Surveillance and Performance Measures: Do They Promote Trust?

There is much evidence to support that high levels of surveillance, performance measures and legally binding contracts do not always promote higher levels of trust, however, in many cases they are nonetheless necessary. While formal protective measures such as contracts can help create an organising structure for exchange relations between commissioning organisations and artists, which can provide a layer of assurance against risk, they do not necessarily generate trust or guarantee cooperation. This was supported by Seldon, who argues that:

[75] Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications", p. 100.

[76] Seldon, *Trust: How we Lost It and How To Get It Back*.

> "Trust cannot be enforced by extrinsic ways, from forces coming outside the individual. Rigid laws and harsh punishments will at best produce compliance, but not trust. A harsh government, an intransigent boss, teacher or father who runs a regime of rules and punishments, will inspire fear but not trust."[77]

This ties into earlier sentiments about the positive benefits of trust, whereby trust becomes a catalyst for influencing positive attitudes. It would seem that formal measures of control (such as: legal contracts, regular performance checks and surveillance methods), though useful as a governing principle, at best cannot replace the benefits made possible by trust and at worst may even yield negative effects. In examining the question of how society develops trust, Seldon claims that: "Contracts, like all formalisation of relationships, are only created because of a lack of initial trust."[78] We find various cases where this has held true in the context of commissions undertaken by public museums and galleries.

The following three responses from recent one-to-one interviews reflect how contracts can both inhibit trust and have been used simultaneously to protect against loss where trust was absent. Katrina Brown, Director at The Common Guild, Glasgow, noted in an interview that Artist Agreements are often used in place of a contract as they are less formal and tend to lead to stronger relationships with artists, where lengthy contracts can seem 'a bit cynical', but also because formal contracts often involve legal authorities which can be both costly and inefficient both for the artist and the organisation.[79] Brown noted the reasons for using an Artist Agreement rather than a contract, suggesting that:

> "One is about costs, the costs of getting legal authorities involved and drafting up contracts and then the artist at their end having to do the same, which can be prohibitive for smaller organisations. The other is a tone issue. So much of what we do is about trust [and] about trusting relationships. The

[77]Seldon, *Trust: How we Lost It and How To Get It Back*, p. 14.
[78]Ibid., p. 15.
[79]Bo Hanley. "Interview: Katrina Brown 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: The Common Guild, 21 Woodland Terrace, Glasgow. 2011.

> artist is trusting you to look after their work, you are trusting the artist to not abuse the opportunities that you give them and I think a lot of people in the industry feel that a full-blown twenty-five page contract can feel a bit cynical or negative when you are starting out on that journey."[80]

Other collecting institutions, such as the seven museums, which form the National Collecting Scheme Scotland (NCSS), which will be outlined in Chapter Three, have abandoned the use of a contract all together. This was the case when the NCSS commissioned artists Joanne Tatham and Tom O'Sullivan in 2006. In this case, there was no formal contract in place at the outset of the commission and the artists developed and exhibited their work before a written contract was ever drafted. However, while the absence of a formal contract can afford more freedom to a commission, if they can also be a useful organising tool and offer a level of assurance to both commissioners and artists. Tom O'Sullivan commented that he was quite pleased to finally outline the details of the NCSS work in a contract so that he could be confident that the work could travel and be shown by different collections without worrying that his creative authorship could be compromised. He noted that:

> "We amazingly never had a contract, we in fact still have not signed it. It is crazy. We were paid so that was fine. It is always a worry when you have to pay other people [and] contract work out. The contract has been an on-going process. It has allowed us to document on paper very recently what the work is. There are rules for its installation. We felt we needed to get it down on paper because we wanted to be sure that the work is always installed properly. We only nailed-down recently that we wanted to include the book in the installation. You know these things in your mind, how it should be, but if it is down on paper there is no room for error."[81]

Opinions about using formal contracts in the commissioning of new work do, however, vary between parties. As we see in the case of artist, Richard Wright, who suggested

[80]Hanley, "Interview: Katrina Brown 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[81]Bo Hanley. "Interview: Joanne Tatham and Tom O'Sullivan 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: University of Glasgow, Sir Gilbert Scott Building; Conference room 101c. 2010.

that in the past he had never felt the need to have a contractual agreement when undertaking a commission. However, due to a number of instances where he felt he could not trust an arts organisation to remove his work after it was exhibited, he has had to consider refining his position on the use of legal contracts to protect himself and his work. He explained that:

> "I think this situation as well as a few other experiences has made me realise that I need to be a bit more circumspect in my approach [...] from the outset. It is a shame and I don't want to do this, but I have had to include a statement in my original contractual agreement stating that, unless otherwise specified by me, the work must be removed after an exhibition closes. It certainly eliminates a lot of the trust in the situation. The truth is that people can be dishonest and claim to not understand the agreement, these situations are unusual, but it does happen."[82]

The preceding responses illustrate that often formal contracts are used by art commissioners and by artists as a means of protecting against the risk of loss of investment, however it is evident that legal contracts are often introduced not in order to generate greater levels of trust but rather as a consequence of fears about risk and potential losses. Seldon confirms this by stating that:

> "Much faith has been placed on increasingly sophisticated technologies of surveillance as the solution to the problems of trust, by aiming to minimise the available opportunities people have to break the law or perform poorly. Visibility and transparency certainly can enhance law-abiding behaviour in the professions, business and private lives. If it is the more likely to behave in ways that avoid them being seen to break the law. But they are not ideal ways of building trust because the motivation is fear of being found out rather than being trustworthy for its own sake."[83]

The previous citation makes clear that while contracts and formal modes of assuring against loss, such as regular performance checks and monitoring can help create

[82]Bo Hanley. "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)". University of Glasgow, Sir Gilbert Scott Building; Conference room 101c. 2010.
[83]Seldon, *Trust: How we Lost It and How To Get It Back*, p. 16.

assurances, which may promote higher levels of security in exchange relations (by providing a level of additional security), they cannot prevent risk or the loss of investment. As much of the existing literature on trust suggests, being trustworthy and trusting others underpin cooperative relationship, which can in turn deter against opportunistic behaviour and mitigating risk, and therefore, could when used appropriately become a stronger force for preventing losses than formal measures of control might offer.[84] This is not to say that trust alone is consistently enough to serve as a governing principle. Since, as Khodyakov claims:

> "Trustworthy relationships, however, make people vulnerable to the behavior of their colleagues, who are expected, but not obliged, to act in the best interest of the organization. Therefore, creative organizations are faced with a dilemma in which they must allow their employees' creative freedom but also have to control their actions."[85]

It seems then that there is a balance between trusting too much and too little. Museums and galleries are confronted by this dilemma in the commissioning of new art as their is a tension that exists between allowing for creative freedom and the need to create parameters to assure against risk. In order to protect against potential losses in the commissioning of new work many arts organisations use artist contracts, while others simply avoid the risks by not engaging in commissioning at all. In the context of contemporary commissioning very little emphasis has been attributed to the role that strong interpersonal and interorganisational relationships can have on cooperation and

[84] Andrew C. Wicks, Shawn L. Berman and Thomas M. Jones, "The Structure of Optimal Trust: Moral and Strategic Implications"
Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance"
Bill McEvily, Vincenzo Perrone and Akbar Zaheer, "Trust as an Organizing Principle"
O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'"
Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra"
Luhmann, *Risk: A Sociological Theory*
Baier, "'Trust', The Tanner Lectures on Human Values (presented at Princeton University)".

[85] Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra", p. 1.

trust or how these characteristics of group dynamics at play within the artworld could be used as a compliment to formal legal measures of control, such as contracts.

There are, however, examples of arts organisations, which have been characterised as 'risk-takers' and this characteristic, which is reflected in the scope and success of their activities, can be seen to reflect a commitment to building strong relationships, which often lead to higher levels of cooperation and trust. While this research does not allow space for an in-depth study of the impacts of risk-taking in creative institutions, this is an area which merits attention and one where further research could prove beneficial in evaluating the potential role that trust has to play in improving over all efficiency in museum and gallery activities. In particular, its role in relation to risk and risk-taking in the commissioning of contemporary art.

In the case of commissioning, evaluating perceptions of risk is particularly important, since commissioning organisations are investing sizable economic resources to facilitate the development of new works of art, without total assurance of what the resulting works will be. In such instances where the risk of loss of investment is high, the need for strong relationships becomes even more important. However, while the above suggests that trust can help to aid in situations where risk is prevalent, individuals and institutions in different social networks have amassed various methods to control against harmful behaviour and protect against the risk of opportunism, betrayal, dishonesty and the loss of investment. In the context of museum and gallery work, arts organisations have often relied on artist contracts and written agreements when commissioning artists, which outline the responsibilities of each party before, during and after a new work is made.[86] There are also, however, instances where contracts or artist agreements have not been used or where they have been drafted very late on in a commissioning process. As was the case with the commissioning of Joanne Tatham and Tom O'Sullivan by the NCSS, mentioned earlier.

[86]See: Chapter One for details of a sample contract for a contemporary art commission.

While artist contracts have been a common feature of commissioned art since the Renaissance and can be helpful in setting out the parameters of a project both for commissioners and for artists, research into arts institutions has shown that contracts are alone not enough to insure a successful project though they can act as a useful aid, but rather trust (based on strong relationships) and contracts can operate together. Khodyakov argues that despite the benefits offered by trust-based governance "successful long-term collaboration requires that certain limitations be imposed."[87] However, his findings also show that mechanisms of control are only successful where high levels of trust are present. In short, in order to be effective there is a need for creative institutions, like museums and galleries, to find a balance between trust and control; using legal contracts as an organising tool can benefit both the artist and the commissioning organisation by clearly setting out the parameters of a commission before a project is underway, and in doing so, can help to prevent disagreements and conflicts that can restrain a project and cause delays. This is argued by Khodyakov, who claims that:

> "Instead of imposing strict limitations on employees, these structures should create implicit rules that enable and facilitate creativity by allowing people to freely exchange ideas and depend on each other."[88]

Meanwhile, there is also the need to foster and employ trust-based governance strategies, which are made possible through communication, flexibility openness and sharing. In this sense trust can help to promote confidence among commissioning organisations making it easier for them to allow artists the maximum creative freedom possible and in turn generating more successful projects. Collier and Esteban claim that:

> "Freedom within organisations does not imply disorder, but rather that, [...] it is entirely compatible with order, and that the survival of organizations in a turbulent environment depends precisely on the extent to which freedom

[87]Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra", p. 15.
[88]Ibid., p.17.

> can be harnessed creatively in purposeful and responsive interaction with a changing environment."[89,90]

Similarity of goals (in this case the creation of a successful - high quality work of art) can also help to generate trust between artists and commissioning organisations. Trust can thereby replace the need to implement explicit rules and regulations..[91] Since, writes Khodyakov:

> "[...] hierarchical control often "stifles creativity, fosters dissatisfaction, and demotivates employees," (Adler and Borys 1996) which may negatively influence the quality of the final product in creative organizations."[92]

The need for legal measures to assure against risk relates to larger issues affecting public organisations such as the push for greater accountability. Regular performance checks as well as other forms of monitoring and risk prevention like contracts have been increasingly implemented as a way of assuring against risk. Large sums of money and resources are used on risk avoidance with little acknowledgement of the important positive correlation between risk and creativity.[93] These measures have been introduced to try to improve accountability and trust in public organisations since a lack of trust is often a consequence of the failure of individuals and organisations to perform.[94] Yet while measures for improving accountability such as greater transparency in organisations, regular performance checks and lengthy legal contractual agreements are on the rise, trust in government and public organisations has remained relatively low.[95]

[89]Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics", p. 173.

[90]Collier and Esteban argue that there is a need to shift from mechanistic models, which associate flexibility with disorder that seek to remove them from organisations to participative 'organizing' models which embrace freedom and its potential to enhance creativity. In: (ibid.).

[91]Khodyakov, "The Complexity of Trust-Control Relationships in Creative Organizations: Insights From a Qualitative Analysis of a Conductorless Orchestra".

[92]Ibid., p. 4.

[93]Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising".

[94]Steven Van Roosbroek Steven Van de Walle and Geert Bouckaert. "Trust in the public sector: is there any evidence for a long-term decline?" In: *International Review of Administrative Sciences* 74.1 (2008), pp. 47–64. URL: `http://ras.sagepub.com/content/74/1/47`.

[95]Seldon, *Trust: How we Lost It and How To Get It Back*
O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'".

Recent scholarship suggests instead that the 'crisis of trust' affecting all sectors of public life has grown more pronounced with time.[96] Seldon claims that surveillance compromises trust rather than building it as decisions are often based on fear rather than trust.[97] O'Neill, argues that mechanisms for promoting trust (such as: contracts, professional codes and monitoring techniques) and other elaborate steps intended to deter and prevent deception and prevent loss are in fact eroding trust.[98] This is due to the fact that trust involves emotions of faith and confidence in others, which are a product of sociological and psychological factors and, in order to be sustained, require both trusting and being trustworthy. The same applies also to notions of risk, as both risk and trust are based on perception and therefore whether a person or organisation is trustworthy is based on a perceived assessment, which is subjective to the individual. O'Neill argues therefore that it is not so much a crisis of trust that threatens the sustainability of trust-based relationships, but rather as noted previously a 'culture of suspicion' which is responsible for the breakdown in trust.[99]

It is the spreading of suspicion, which O'Neill suggests is responsible for both the breakdown in trust at the individual and organisational level, but also which underpins the increasing demand for rigorous and costly measures to monitor performance, measure accountability and assure against risk. In the context of public museums and galleries as well as across other public and private sectors the implementation of mechanisms intended to promote accountability and assure against risk have resulted in a breakdown of trust as in such cases fear of potential punishment has been the driving motivation steering protective measures in museum and gallery programming rather than trust. This is both resource expensive and, as outlined above, has worked against artistic innovation rather than supporting it. While protective measures, such as artist contracts, offer benefits to both museums and galleries and to artists as an organising tool by clearly

[96]Seldon, *Trust: How we Lost It and How To Get It Back*.
[97]Ibid.
[98]O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'", Last accessed: 21/06/2013.
[99]Ibid., Last accessed: 21/06/2013.

outlining the parameters of a commission, which can offer an added level of assurance against risk, they cannot *prevent* risk nor do they necessarily support or develop trust or encouraged trust-based relationships.

It has been argued that trust varies between countries and trust tends to fluctuate rather than rise or decline as a consequence of social and environmental factors.[100] Therefore, trust needs to be looked at in relation to time and context in order to identify clearly why trust is important and how it effects individuals and organisations specifically. I will return to this later on in the chapter. In the context of contemporary artists and arts professionals working in Scotland the issue of trust in the national art funding body, Creative Scotland has very recently drawn public attention when over one-hundred established artists, writers, musicians, actors and directors wrote a letter of public complaint to the Director of Creative Scotland explaining that:

> "We believe that existing resources are best managed in an atmosphere of trust between those who make art and those who fund it. At present, this trust is low and receding daily."[101]

The Artist's Union, which has close to 1,000 members has called for more transparency in the agency's work, suggesting that: "there is a feeling of 'no confidence"' in the agency across the sector."[102] The preceding responses make clear that trust in organisations whether in the UK or further afield must be nurtured in order to be retained and there is a need for arts organisations and their funders to take a lead role in promoting trust through their activities.

[100] Walle and Bouckaert, "Trust in the public sector: is there any evidence for a long-term decline?"

[101] Sam Ainsley et al. "In full: Open letter to Creative Scotland". In: *BBC News Scotland* (2012). URL: `http://www.bbc.co.uk/news/uk-scotland-19880680`, Last accessed: 06/07/2013.

[102] BBC News Scotland. "Creative Scotland crisis slammed by leading artists". In: *BBC News Scotland* (2012). URL: `http://www.bbc.co.uk/news/uk-scotland-19880871`, Last accessed: 21/06/2013.

2.5 Mutual Trust and Interdependence

As previously noted, trust is a necessary part of all human exchange, but it is particularly important to practices like commissioning, where artists and museums are working together toward a collective goal. Baier argues that:

> "The only ones who might decent from the value of trust are those wild loners who value their independence more than anything else, who prefer to get their bread baked by solo efforts, rather than to join with others in any sort of joint scheme."[103]

In order for trust to be effective, requires that both parties have confidence in each other's abilities and motivations. Trust is particularly important in interdependent relationships like commissioning, where each party must take risks in order to achieve a collective aim. This is underscored by Luhmann, who claims that "trust is a solution for specific problems of risk."[104]

However, trust becomes most effective where both parties have an equal stake and therefore an equal share in the associated risks (e.g., or rather where both parties are equally dependent on one another).[105] In the context of museum commissioned art the notion of equality between commissioners and artists is difficult to quantify, as there are a vast range of factors that must come together in order to create a balanced exchange relationship. Because not all artists are commissioned at the same points in their careers and because artist's practices differ greatly, some artists are more reliant on museum and gallery support than others. However, what is clear is that both parties are investing heavily and are both consequently taking risks in the exchange.

Due to the changing nature of contemporary art making and the scale and intricacy of the technologies currently being used in the making of new works, artists have become

[103]Baier, "'Trust', The Tanner Lectures on Human Values (presented at Princeton University)", p. 123.
[104]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 94.
[105]Seldon, *Trust: How we Lost It and How To Get It Back*.

ever more reliant on external organisational support to develop their work. This is not to say that this was not historically the case, as the Introduction to this thesis evidences, but rather that in the twenty-first century it is not uncommon for artists to work with a number of museums simultaneously (working in partnership) in order to realise a project. With this in mind, if we return to the previous statement by Seldon[106] and we relate this to the context of contemporary art commissioning where, in ideal circumstances, both the artist and the commissioner would have an equal stake in the commissioning process, the risk would be shared and each party would be equally dependent.

Naturally, museums and galleries exhibiting contemporary art are reliant on artists, but in the case that the institution is not satisfied with a particular artist's work or the chosen artist is unavailable, they may easily select another in his or her place. However, for the artist until (s)he has reached a significant level of economic success and recognition, (s)he is heavily dependent on institutional support to make new work and to expose this work to a wider audience. In other words an artist's practice is developed over time with the support of the artworld (if (s)he chooses to be a part of it). It is therefore that the greater the level of support the artist has to make new work often the more chances the artist has to enhance his or her reputation. This is where there is an imbalance in dependence between the artist and the commissioner in museum commissioned art, thus, referencing the distinction between independent creation and dependent creation presented by Touboul in the preceding chapter.[107,108] This must be considered when examining the commissioning model, as there are very few artists who could exist without organisational support and this places them in a position of greater dependence. This, however, is not to say that artists who have built a strong reputation for themselves and with it a high level of prestige do not also hold a powerful and influential role in the artworld. The more sought after the artist the greater are his or her opportunities

[106]Seldon, *Trust: How we Lost It and How To Get It Back*.

[107]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 06/07/2013.

[108]For further details on 'dependent' and 'independent' creation as well as definitions see: Chapter One.

to choose who (s)he works with and consequently (s)he has the power to accept certain invitations and decline others.

Ideally, however, for this to be so requires creating an ecosystem where artists and arts organisations (e.g., commissioners) are able to cooperate and set their sights on developing an economy that seeks to empower artists. This idea was supported by Baier, who references the United Nations, among other federal unions, which have devised a voting system (e.g., the right of each state to one vote) in order to afford equal rights and authority to each state regardless of the relative size and power of that state in order to facilitate "cooperation and trust between bodies of unequal and shifting relative power."[109] She goes on to say that:

> "All bills and lists of rights empower the less powerful so that they are less vulnerable to the more powerful, so that they can avoid begging for favors. But it takes cooperation, in particular the cooperation of the powerful, to get rights and civilities respected."[110]

We can take the previous citation and apply it to the artist-commissioner relationship and the imbalances that sometimes exist between them. There are much greater numbers of practicing artists than there are museums and galleries, a circumstance which places the museum in a relatively stronger economic position to the artist. This coupled with the fact that, in general, artists rarely turn away opportunities to make or show their work in a public context, further reflects this imbalance. It is thus that museums and galleries could play a primary role in generating and sustaining trust through their exchanges with artists, particularly where commissioning is concerned.

Yet, how do museums and galleries and the public bodies that fund them promote and sustain trust in their exchanges with artists? O'Neill claims that: "at some point we just have to trust."[111] For museums and galleries, engaging in trust-based

[109]Baier, "'Trust', The Tanner Lectures on Human Values (presented at Princeton University)", p. 131.

[110]Ibid., p. 131.

[111]O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'", Last accessed: 21/06/2013.

practices like commissioning could be a strong step toward strengthening relationships with artists and developing a climate of trust. Equally, by fulfilling their commitments to and cooperating with arts institutions, artists too can contribute to enhancing trust and strengthening these relationships. As this chapter has shown, good communication, openness and flexibility can help by generating cooperation in individual and organisational exchanges. Since individual and collective attitudes play an important part in creating and sustaining trust. Here trust can be refined to a state of mind. Luhmann writes that trust is based less on familiarity or confidence, although these concepts do factor in, but rather that:

> "The case of trust is very different and requires quite another type of self-reference. It depends not on inherent danger but on risk. Risks, however, emerge only as a component of decision and action. They do not exist by themselves. If you refrain from action you run no risk. It is a purely *internal* calculation of *external* conditions which creates risk. Although it may be obvious that it is worth while, or even unavoidable, to embark on a risky course - seeing a doctor, instead of suffering alone - it nevertheless remains one's own choice, or so it seems if a situation is defined as a situation of trust. In other words, trust is based on a circular relation between risk and action, both being complimentary requirements."[112]

However, if we elaborate on the previous definition of trust, acknowledging that to trust and to incur the associated risks of trusting is a choice for which their are consequences, conversely then there are also repercussions for not trusting, which may far out way the risks associated with trusting others. One may run the risk of missing out on opportunities that could prove highly beneficial to the individual and the organisation. It is then necessary to ask if fear of potential loss is reason enough not to trust?

While the reasons for not trusting would be grounded in risk of potential loss, one must also consider the risk of not trusting, as Geoffrey Chaucer famously wrote in *The Canterbury Tales* (1374) –'nothing ventured nothing gained'. In other words, it is sometimes necessary to take a gamble if one hopes to win something back in return.

[112]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 100.

As I argue earlier in this chapter, risk has been a key factor, which has inhibited public museums and galleries from commissioning new work from artists, yet there has been little emphasis on the benefits of risk-taking for arts organisations. Risk-taking has an important role to play in relation to innovation and creativity both at the individual and organisational level. However, equally successful projects and the development of art of a high quality is not restricted to institutions with large budgets, important and interesting works can result as a consequence of social factors. This is where well-established artists could also take risks and work with lesser known and established museums. While there is yet to be a study that examines risk in the context of public arts organisations in the UK, an in-depth study of the benefits of risk-taking by museums and galleries lies outside the remit of this study. However, existing research into organisational management has suggested that there is a positive correlation between trust and risk-taking within organisations. Thus, it may prove beneficial for arts organisations and the bodies which fund them to look at the positive impacts of risk-taking in other creative organisations and apply them to their own programmes.

The commissioning of contemporary art is an activity which is based on an exchange between a commissioner and an artist and therefore involves risk. As this chapter has outlined, trust is a solution for problems of risk and consequently the commissioning of art is premised on the basis of a trust-based exchange. If we acknowledge that risk-taking requires trust and consequently commissioning is an activity that involves risk so too does it then require trust. This is supported by Luhmann's claims that: "Trust, as may be recalled, is an attitude which allows for risk-taking decisions."[113]

[113]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 103.

2.6 Nurturing and Sustaining Trust in Public Museums and Galleries

Now that I have examined some of the consequences of breakdowns in trust, it is useful to mention some of the factors which generate trust, since this is above all what is needed if museums and galleries are to facilitate successful commissions in the future. Three key features, which have been seen to encourage higher levels of trust between individuals are: familiarity, reputation and experience. Luhman reports that: "The development of trust and distrust depends on the local milieu and on personal experience."[114] Both experience and familiarity can breed higher levels of confidence. This is often the case in the context of art commissioning, where artists are frequently selected on the basis of a commissioner's preexisting knowledge about their work and their reputation or the relative position with the artworld (e.g., the level to which the artist has become recognised or established). Reputation is linked to familiarity and can create confidence that can contribute to building and sustaining higher levels of trust.

Reputation, however, is not simply a feature of artist-commissioner exchanges or the trading of specialist services for payment, but extends to all exchanges of goods or services between individuals. It is not uncommon for a certain kind of equipment or material goods to carry a known mark of quality, and thereby solicit trust from buyers both through personal experience with it or through word-of-mouth. This system also applies to services. If your car is in need of repair you are likely to privilege a known mechanic that a friend has recommended over a stranger or trust a doctor with long-established medical credentials, who has worked in the field for many years over a trainee, who has not yet graduated (regardless of whether they may offer a better service or not). The commissioning of art is no different and there is often a correlation between an artist's level of experience and the level of trust an arts organisation or funder has in him or her.

[114] Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 103.

Reputation has a central role to play in competitive markets like the artworld, thus giving reputation a significant value in its own right and this makes the artworld comparable to other economic markets. This is due to the fact that trust under modern conditions, among other things, is rooted in belief or confidence.[115] Conversely speaking:

> "A lack of confidence may mean, without further reflection, a lack of trust, and a lack of trust means that behaviour which presupposes trust will be ruled out.[...] Whole categories of behaviour may effectively be precluded, and this further reinforces a situation in which one cannot have confidence in the system."[116]

With the above remark in mind, one can conclude that in contemporary society confidence in individuals and organisations and even in the system in general has become severely strained. While this study does not allow room for an in-depth investigation into the social and cultural factors that have contributed to reduced levels of confidence and trust in interpersonal an interorganisational exchanges, some of the key factors responsible for the shift away from trust bear importance here. Perhaps the most influential factor that has contributed to the breakdown in trust in individual and organisational exchanges like art commissioning is diminished familiarity, which initiates at the family and community level and spreads outwards to interpersonal and interorganisational exchanges. Rapid advances in technology, and the strength and reach of globalisation has weakened the village mentality and the idea of the local, causing people and businesses to become less directly connected to one another and by consequence interpersonal and business relationships have become weaker and exchanges have become more disparate, as person to person contact has become more irregular. In short, individuals and organisations have grown more accustomed to embarking in relationships with those with whom they are unfamiliar, but this is not to say that in doing so people have begun to trust more. In fact, the opposite seems to hold true. Robert Putnam writes that in the United States from the 1960s onwards: "[...] the resources, people, neighbourhoods

[115] Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)".
[116] Ibid., p. 103.

and large families once had to organise themselves to deal with problems have gone into steady decline."[117] During the last forty years the activities that isolate people from one another have steadily risen.[118] Seldon accounts for some of the reasons for this, noting that:

> "Television keeps us at home in the evenings, and often in separate rooms, Multiple ownership of cars means fewer people use public transport. The decline of local employment means many now work away from home communities. Life has become increasingly atomised."[119]

With this break-down in familiarity, people have become more isolated and by consequence less trusting. And, while trust and familiarity are distinct, argues Luhmann:

> "[...] trust has to be achieved within a familiar world, and changes may occur in the familial features of the world which will have an impact on the possibility of developing trust in human relations."[120]

This underpins the argument that greater levels of human contact foster higher levels of familiarity and consequently stronger relationships. However, this is not to say that in the context of a market economy such as the contemporary artworld that familiarity alone is enough to cancel out issues such as competition and risk, characteristics of market economies which are not generally cause for strong relationships. If an artist has strong ties to a particular institution that does not necessarily mean that the artist will choose to work with that institution if simultaneously offered the opportunity to work with another more prestigious institution that provides him with a better offer.

It is on the basis of this reduction in human contact and by extension the break-down in strong human relationships that lies at the heart of what Seldon and Lumann, among others, have suggested is responsible for the break-down in trust in contemporary

[117]Seldon, *Trust: How we Lost It and How To Get It Back.*
[118]Ibid.
[119]Ibid., p. 34.
[120]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 94.

society, which extends to social exchanges within the artworld. This is reflected in the reaction and dismay of the general public to recent events such as the 2007 global financial banking crisis, which had a considerable impact on the public's trust in bankers, politicians and in government as a whole. Seldon commented on the current state of distrust in the UK claiming that:

> "Lack of trust an cynicism seem to be widespread in Britain as we draw to the end of 2009. This has been a year that will fill the pages of history books with stories of greed, corruption, incompetence and misconduct. A succession of failings involved everyone from politicians to policemen, from bankers to the BBC, from social workers to sportsmen, and has left the population in a state of anger, contempt and disillusion."[121,122]

This climate of distrust that Seldon describes, however, is not limited to government or the financial sector alone it has also filtered into many other areas of society and while museums and galleries are among the most trusted of public organisations, they are not exempt from this decline in public trust. An American Association of Museums (AAM) national survey published in May 2009 showed that Americans view museums as: "[...] one of the most important resources for educating our children and as one of the most trusted resources of objective information."[123]

In the same survey museums were judged trustworthy by eighty-seven per cent of the respondents, while books were judged trust worthy by sixty-seven per cent and television news by fifty per cent. However, while such statistics portray an image of museums and galleries as being relatively trustworthy they are not insusceptible to breakdowns in public confidence and reputation. However, maintaining their authority as trusted instituions, requires an understanding of the benefits that cooperation and strong interpersonal and interorganisational relationships can offer them. This would help to create an environment in which communication and team work can flourish. It is only as a

[121]Seldon, *Trust: How we Lost It and How To Get It Back*, p. ix.

[122]For specific details on particular current events linked to the decline in public trust including public poles on trust published in 2009, see: (ibid.).

[123]Cuno, *Whose Muse?*, p. 18.

consequence of this that museums and galleries can sustain their positions as trustworthy organisations, integral to society and deserving of public support.

The collection of essays in James Cuno's, *Whose Muse?*, demonstrate the relationship between the museum and its publics and the importance of trust in maintaining a positive and on-going dynamic between them. In doing so, this group of papers examine the museum's responsibility to developing and maintaining the public's trust, but also illustrate the museum's role as a public trust.[124] Cooperation and trust are central to the examination of the museum's engagement with art commissioning for several reasons: first, because artists are part of the general public and contribute to the continued vitality of museums and galleries through their public-tax support and second because in order for museums to earn and sustain the public's trust they must also exhibit trust in their activities of which their work with artists on exhibitions and commissions are a key part. As Glen Lowry, Director of the Museum of Modern Art (MoMA), New York writes in his essay on art museums and the public trust:

> "As institutions, museums are expected to act and behave in a way that is in keeping with the perceived values they embody. This is true regardless of whether or not they are privately or publicly funded, civic or state institutions."[125]

He goes on to argue that the public's trust in museums is grounded in its 'moral authority' or rather in its responsibility as a "public space, dedicated to the diffusion of knowledge."[126] James Wood and Phillipe de Montebello confer that the public's trust in museums stems from their integrity and authority as institutions dedicated to what Phillipe de Montebello has described as "the search for obeisance and truth."[127] While

[124]Here I point to a distinction in the term trust. So far this chapter has acknowledged trust as: the confidence that exists between two parties in an exchange. Where as the context of public museums and galleries offer another meaning, which bears mention here that of a 'public trust' – "an arrangement whereby a person (a trustee) holds property as its nominal owner for the good of one or more beneficiaries." In (Oxford English Dictionary (Electronic), "Oxford English Dictionary (Online)").

[125]James Lowry in (Cuno, *Whose Muse?*, p. 134)

[126]Lowry in (ibid., pp. 140-146)

[127]Montebello in (ibid., p. 155)

definitions of the role of museums vary and European museums often differ in the way that they are structured and funded from their American counterparts and this presents certain differences in relation to the definition of a public trust, all public museums hold something in common – a responsibility to serve the public. Despite disparities in size, governance or mission, museums have a responsibility to their publics to present, develop and care for their collections. This was supported by Wood, who notes that: "The familiar litany of 'to collect, preserve and present' is common to the mission of most art museums, but it is the variations on these themes that give the American art museum community its vitality and much of its public value."[128] Further support for this claim was noted by Glen Lowry, who writes that: "no two art museums are alike since no two can, by definition, share the same idea and the same set of objects, not to mention the same building and community."[129] However, despite certain fundamentals that lie at the heart of public museum work and contribute to perceptions of their value, disparities in governance that distinguish most European museums from those in the US, do impact the notion of public trust as a consequence of differences in their contrasting models of support.

However in either case, whether privately or publicly funded, museums can be seen to have a responsibility to serve their publics by acting responsibly. Montebello has linked public trust to the museum's responsibility to remain an authority in its dealings, arguing that authority does not equate to total control. He notes that: "Indeed, authority does not give free rein to control and to dictate, but rather to serve, and when I say serve I mean not only the public for whom we hold the artistic heritage of mankind in trust, but that heritage itself."[130] Montebello's statement introduces another definition of trust, which distinguishes it from the examples mentioned earlier in the chapter. Lowry gives two examples of trust that make clear the distinction between Montebello's definition and those previously mentioned. He states that: "Trust can be defined either as property

[128]See: Wood in (Cuno, *Whose Muse?*, p. 120)

[129]Lowry in (James Cuno. "A World Changed? Art Museums after September 11". In: *Bulletin of the American Academy of Arts and Sciences* 55.4 [2002], pp. 17–36, p. 136)

[130]Cuno, *Whose Muse?*, p. 155.

held by one party for the benefit of another party or, more abstractly, as the confidence, faith, integrity, or justice we place in ourselves or others."[131] While so far this chapter has focused on the latter definition rather than the former, both contribute to a deeper understanding of the museum's relationship with the notion of trust.

All of these opinions regarding public trust contribute to why it is important that the museum perpetuates its reputation by building and sustaining trust. I argue that in doing so (and truly fulfilling its mission), a mission which represents a form of unspoken contract with the public,[132] museums must take calculated risks in order to maintain their authority and integrity as "centers of intellectual, cultural and social activity."[133] This requires skill and diligence in developing a body of knowledge around existing collections as well as a commitment to adding to this by working with artists to commission new works of art. In doing so, museums are building an on-going curatorial narrative, which Proust described as "Les fil des heures, l'ordre des annèes et des mondes."[134]

2.7 Conclusion

However, in order to fulfil its mission and meet its responsibilities to the public, the museum must act integrally, while engaging in activities that benefit the public. The commissioning of contemporary art for exhibition and collection as I will discuss in the following chapter, can have particular benefits for the public. Commissions offer access to the art of the current moment in real time and by doing so may inspire new audiences to engage with emerging contemporary art, enabling them the chance to view existing collections in a new light.

Wood argues that: "The art museum materializes time in a very unique and essential way, recording the history of human creativity as it is made tangible through

[131]See: Lowry in (Cuno, *Whose Muse?*, p. 133)
[132]Lowry in (ibid., p. 121)
[133]See: Lowry in (ibid., p. 141)
[134]See: Proust in (ibid., p. 143).

the history of art."[135] In this sense, building on collections with new acquisitions is of vital importance to the museum's mission, and finding creative and cost-effective ways of doing so, such as by commissioning can be seen as an essential part of sustaining the public's trust.

This chapter acknowledges the importance of trust in contributing to improved cooperation and innovation and higher levels of risk-taking, efficiency and improved over all performance. It also discusses how trust relates to inherent aspects of the artworld such as reputation competition and and prestige. In doing so, it identifies how reputation takes on a value as 'symbolic capital' in the context of the artworld and this value translates into economic value in that enhanced reputation (or rather the level of prestige within a particular context or field) can earn agents greater work opportunities especially in a competitive environment.[136]

Trust has also proved instrumental in deterring against negative effects like opportunism and costly resource expensive protective measures like increased surveillance, regular performance evaluations and lengthy contracts. Risk-taking has been associated with higher levels of ambition and innovation in both individual and organisational contexts, which is a key concern in the realm of the creative arts and consequently a fundamental aspect of museum and gallery work. Trust and cooperation are therefore inherent to the production of new art. The failure to trust can have detrimental implications, which as this chapter has shown, move beyond the creative industries extending to all areas of social exchange. As Luhmann argues:

> "The lack of trust on the other hand, simply withdraws activities. It reduces the range of possibilities for rational action. It prevents, for example, early medication. It prevents, above all, capital investment under conditions of uncertainty and risk. It may lead to a bad life in moral terms, because one no longer expects to be rewarded after death. It may reduce public interest in innovative art which is not yet recognized by the establishment of experts. Through lack of trust a system may lose size; it may even shrink below a

[135]See: Wood in (Cuno, *Whose Muse?*, p. 113)
[136]Bourdieu, "Social Space and Symbolic Power".

> critical threshold necessary for its own reproduction at a certain level of development."[137]

Not only has trust been seen to support cooperation by mitigating opportunism and deterring against other negative affects, but also as this chapter has shown, it has other more far ranging benefits, which have become particularly important for organisations. In particular, eased negotiations and reduced transaction costs are a product of high levels of cooperation within organisations, therefore museums and galleries that work to develop trust as a governing principle may incur considerable advantages over those that do not in terms of competition. This was underpinned by Francis Fukuyama, who argues that trust offers competitive advantages, noting that:

> "One of the most important lessons we can learn from an examination of economic life is that a nation's well-being, as well as its ability to compete, is conditioned by a single, persuasive cultural characteristic; the level of trust inherent in a society."[138]

For arts organisations seeking to commission new work from artists, trust offers benefits that could help to further not only the success of commissioned projects by generating cooperation and eased negotiations, but also could improve the regularity of such exchanges. In doing so, generating new ambition and scope for commissioning and 'commission-accession' practices. In this sense, developing and sustaining trust-based relationships with artists could offer museums and galleries competitive advantages that far exceed the commissioning of a single work, strengthening their reputations and public profiles while saving valuable resources and improving organisational efficiency.

[137]Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives (Chapter 6)", p. 104.
[138]See: Fukuyama (1995) in (O'Neill, "BBC Radio Four - Reith Lectures on Trust: 'Lectures 1-5 (Podcast)'", p. 20, Last accessed: 21/06/2013).

Chapter 3

Museums and Commissioned Art: Models and International Comparisons

There are different paths an artwork can take before entering into a public art collection and securing its permanent place therein. It is the responsibility of museum and gallery professionals to select, filter and distinguish artworks of great quality and historical significance from the rest and to identify artists at key moments in their practices to: make new work, exhibit existing works and sometimes to acquire these works for their collections. While this is a demanding task and one which involves a high level of skill and experience, it is also one of the principle aspirations of most public museums and galleries – to exhibit, collect and preserve art for posterity.[1] In doing so, museums and galleries have developed lengthy and detailed collecting policies to guide their acquisitions.

Arguably, the museum has a key role to play in endorsing new art and in presenting current 'histories' of art, as well as in supporting and developing new ways of

[1] Altshuler, *Collecting the New: Museums and Contemporary Art*.

collecting, of which commissioning has very recently become an important part. The commissioning of new work for exhibition and for collection is increasingly becoming a central part of museum and gallery work. Commissions have begun to: provide necessary support for artists, enhance opportunities for audiences to engage with emerging art and to provide new ways for museums and galleries to present and collect contemporary works of art. In addition, emerging collecting models, which marry commissioning with collecting through a 'commission-accession' process, have presented new strategies for public museums and galleries to build their contemporary art collections into the future. In doing so, commissions have begun to introduce new ways for museum professionals to tackle issues of sustainability in the collecting of contemporary art.

However, as detailed in the preceding chapters, there are a number of factors such as risk, funding and limited storage space, fierce competition between museums to work with particular artists, as well as other concerns associated with the long-term cost of preserving and caring for ambitious contemporary artworks, which have deterred public museums and galleries from regularly commissioning new work for the purpose of collection. As a result, 'commission-accession' is not yet a mainstream practice for most public museums and galleries. Unlike in the private or corporate sectors, deaccessioning art is not a common practice for public art collections and once acquired by a public museum, an artwork is unlikely to ever be sold again.[2] While museums have until recently demurred from commissioning new work due to the associated risks, recently initiatives and partnerships have emerged which have supported new models for commissioning. Despite the success of commissioning practices in Europe and the US, which have recently begun to draw on different commissioning models to inform the scope of their collections, the aforementioned challenges have made the commissioning of contemporary art by UK museums and galleries, which rely heavily on public resources to collect relatively scarce in comparison.

[2]Buck, "Market Matters".

In the last decade, however, there have been a number of successful commissions in both the UK and internationally, which have strengthened the visibility of contemporary art, opened up new opportunities for interinstitutional partnerships and led to collaborations between collecting and non-collecting venues. These partnerships have helped to reduce the costs associated with the production, exhibition and acquisition of contemporary works. The following examples present a variety of different commissioning practices, outlining key international models that have emerged over the last decade and how they have been used across a range of public museums and galleries.

Examples will focus, in particular, on different 'commission-accession' practices and the use of strategic commissioning models that have helped to enhance public collections of contemporary art, and how museum and gallery commissions have been used to create greater opportunities for audiences to engage with emerging art. I will then turn to the UK context and outline very recent examples of museum and gallery commissions that have resulted in ambitious artworks and how these have helped to foster greater interest in contemporary visual art for municipal museums and galleries. I will also consider how such projects have opened up new opportunities for curatorial development and shared expertise as well as introducing new scope for collecting through co-commissioning partnerships and commissioned projects that link commissioning agencies with collections.

The previous chapters have demonstrated how the scope and variety of commissioning practices has expanded, drawing the attention of UK museums and galleries and their respective funding bodies. As I argue in the Introduction and in Chapter One, there has been a renewed interest in art commissioning. This has been brought forward in the UK by the work of arts organisations like Artangel, Locus+ and by large-scale temporary exhibitions such as Tate's Unilever Series and London's Fourth Plinth commissions, among others. As well as biennial commissions such as for the Liverpool Biennial, which has commissioned for both outdoor and indoor spaces, a characteristic that has set it apart from other international biennials.

In Europe and the US there has been an active culture of commissioning art for the purpose of collection both for private and public spaces since the late twentieth century. This trend was initiated by private and corporate art collectors like Dominique and John de Menil, whose commissions for the Menil Collection in Houston, Texas, have been widely acknowledged as a paradigm for modern commissioning and collecting. Other examples, include the commissions for the JP Morgan Chase Art Collection. First established by the company president, David Rockefeller in 1959 as the Chase Manhattan Programme, the collection now consists of more than 30,000 works many of which were specially commissioned.[3] More recently, commissioning has become an increasingly complex activity, where private and public regularly merge to co-sponsor or co-commission artists to make new work and often with a specific site or context in mind. Buck and McClean acknowledged this in their 2012 publication, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, noting that today:

> "Elements from different commissioning models are often combined to enable a particular project to come to fruition: for example, a private individual or group of patrons may co-sponsor a project for a civic site or partner with a commissioning organization, while public museums across the world increasingly rely on partnerships with private patrons and the commercial sector to enable them to achieve particular commissions."[4]

Emerging partnerships and collaborative approaches to art commissioning have further expanded the taxonomy of commissioning models now available to museums and galleries. Commissions and co-commissioned projects undertaken by European and American museums for the purpose of exhibition and collecting have resulted in both cost-effective and ambitious acquisitions of contemporary works. These have opened up new possibilities for the commissioning of contemporary works of art and inspired new interest in 'commission-accession' practices.

[3]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*.

[4]Ibid., p. 19.

This chapter will introduce some of the different models currently being implemented by museums and galleries in order to demonstrate the benefits that 'commission-accession' practices have had for international art collections in Europe and the US. Together, they present a taxonomy of current commissioning practices, demonstrating the range and diversity of different models now used to facilitate the making of contemporary works of art. These recent examples draw attention to some of the key benefits commissions have offered to museums and galleries and their audiences and how these international projects have very recently inspired commissions by counterpart institutions in the UK.

3.1 International Models

3.1.1 Fonds Regionaux d'Art Contemporain (FRAC)

Museums and galleries in France have been particularly innovative in their approaches to commissioning and collecting contemporary works of art, most notably through the *Fonds Règional d'Art Contemporain* (FRAC), which encompasses twenty-three distinct collections, at least one for each region in France. Since their introduction in the early '80s, many of the FRAC's have amassed large well-respected collections of contemporary art. Each FRAC now holds between 200 and 3,000 pieces of art, together forming a collection of approximately 33,000 works of art, collectively making it the third largest public collection of contemporary art in France and second only to the FNAC (Fonds Nationaux d'Art Contemporain) and the musèe nationaux, Centre George Pompidou collections. The FRACs have a unique mission, which is linked to their *non-profit* structure of governance.[5] Like other organisations, non-profit organisations vary in terms of

[5]These figures were presented in October 2009 by Eva Gonzalez-Sancho at the second of three panel events that formed the *Contemporary Collections and Collecting in Scotland* series. For further details see: (Tina Fiske. "Programme: Contemporary Collections and Collectin in Scotland series 'Perspectives on European Collections', CCA, Glasgow". Supplied by the author. 2009). For more information on the characteristics of non-profit organisations and the management of them see: (Helmut K. Anheier. "Managing non-profit organisations: Towards a new approach". 2000).

mission, size, mode of operation and impact, particularly in a cross-national sense. Some closely resemble the model of a government agency; others are closer to that of a business firm; while others may be similar to an informal network. Due to these variations it has proved useful to identify a core set of characteristics for non-profit organisations. I have adopted the following from Salmon and Anheier, who assert that non-profit organisations encompass the following characteristics (although these vary considerably across organisations). They are:

– Organised, i.e. possessing some institutional reality, which separates the organisation from informal entities such as families, gatherings or movements;

– Private, i.e., institutionally separate from government, which sets the entity apart from the public sector;

– Non-profit-distributing, i.e., not returning any profits generated to owners or equivalents, which distinguishes non-profits from businesses;

– Self-governing, i.e., equipped to control their own activities which identifies those that are *de jure* units of other organisations; and

– Voluntary, i.e., being non-compulsory in nature and with some degree of voluntary input in either the agency's activities or management.[6]

This structure frames the ethos of the FRAC collecting model, which includes the regular commissioning and collecting of contemporary art. However, before I introduce some of the specific examples of FRAC collections and the commissioning models used by them, it is first necessary to provide some details related to the context in which they emerged, which have played a central role in the policy and framework underpinning the FRAC structure and in the development of their many varied programmes.

The FRAC collections were established in France between 1981 and 1983 as part of a new cultural policy developed by Jack Lang, the, then, Ministère de la Culture

[6]Lester M. Salamon and Helmut K. Anheier, eds. *Defining the Nonprofit Sector: A Cross-national Analysis.* Manchester University Press: Manchester, 1997.

(Minister of Culture). Emerging in the context of political decentralisation, an agenda intended to spread power to regions outside of Paris, FRACs were created in order to acquire and disseminate contemporary art within each region in France. In addition to the FRACs, Lang implemented a network of non-collecting arts organisations called the Centres Règionals d'Art Contemporain (Centres of Contemporary Art), the former were aimed at constituting contemporary art collections of a high level for every region in France while the latter were intended to be more concerned with production and in working with artists.[7]

While in each region both a centre of contemporary art and a FRAC was established, FRACs have become heavily involved in both the production and commissioning of new work. Part of the mission behind the network of FRAC collections was dissemination, which is underpinned by the non-profit structure under which they operate. Unlike a museum, many of the FRACs did not originally have a space in their buildings to exhibit their permanent collections. This was tied to their responsibilities to regularly disseminate collections both within and outside their respective regions and as initially collections were relatively small in size, there was little need for permanent exhibition spaces for them. However, as collections quickly grew, this began to change and by 2000 many new purpose-built spaces were constructed to support the development of existing collections and changing exhibitions.

Despite the rapid growth of many of the FRAC collections, their overall missions have remained the same: to collect the art of our times, to make it accessible to the largest possible public by regularly presenting it outside of traditional museum and gallery spaces and through dissemination to provide access to art both within and also

[7]It is worth noting that in France in addition to the FRACs there are also museums and galleries that are owned for the most part by municipalities and sometimes by private bodies, of which there are more than a thousand. Some of which are museums of modern and contemporary art, such as the Musee d'Art Moderne et Contemporain de Strasbourg (Museum of Modern and Contemporary Art (MAMCS), Strasbourg) and the Musee d'Art Moderne de Saint-tienne Metropole. For information about how these municipal museums and galleries are run and distinctions in museum governance in France see: (White, *Art Museums: The European Experience*).

outside of the region. Another mission of the FRACs is to educate the public about contemporary art by commissioning, producing and exhibiting new work in 'real' time.[8]

While the network of FRACs share common ambitions each individual FRAC possesses its own "history, collection, and programme of cultural activities that lend it its singular identity."[9] It is on the basis of this, as well as the innovation and professionalism of the individuals who have over time built and managed the different FRAC collections, that the network of FRACs has, when examined as a whole, very rapidly developed a unique and important collection of contemporary art.

The success of the FRAC model is exemplified by a number of key collections, which have drawn the attention of museum and gallery professionals in the UK and further afield. The following section will examine one of these significant collections, FRAC Bourgogne (Regional Contemporary Art Fund, Burgundy) and the model used to develop the scope of its collection, particularly during the most recent period of collecting under the directorship of Eva Gonzalez-Sancho (2003–2011).

Since 2003, FRAC Bourgogne's collection has grown considerably, acquiring works by internationally recognised artists such as: Francis Alys, Jordi Colomer, Gaylen Gerber, Henrik Hakansson, Jonas Dahlberg and Rita McBride, to name a few. In a recent lecture, Eva Gonzalez-Sancho remarked that the intention for the FRAC collections was: "not to create 'regional' collections, but rather international art collections for the regions."[10] While FRAC Bourgogne collects both existing and new works of art, its programme has focused heavily on the production and commissioning of contemporary art for both the purpose of collecting, but also to exhibit new works of art in 'real' time. Eva Gonzalez-Sancho noted that:

[8]Tina Fiske and Bo Hanley. "Summary notes: Contemporary Collections and Collecting in Scotland series 'Perspectives on European Collections'". CCA, Glasgow. 2009.

[9]See Platform: The *Fonds Règional d'Art Contemporain* (FRAC) at (FRAC Website. *Platform: The Fonds Regional d'Art Contemporain.* 2012. URL: `http://www.frac-platform.com/en/les-frac`, Last accessed: 21.07.2013)

[10]Eva Gonzalez-Sancho in (Fiske, "Programme: Contemporary Collections and Collectin in Scotland series 'Perspectives on European Collections', CCA, Glasgow").

> "When I arrived at FRAC Bourgogne it was very important to find ways to mature the existing body of work that the collection had. I was interested in working with artists who gave an authoritarian space to the spectator and to build aspects of the collection in this way and commissioning enabled us to do that. Collecting at FRAC Bourgogne was linked to the programme of exhibitions. Commissioning enabled the potential to work with artists directly and for the public to engage with their work in real time."[11]

Gonzalez-Sancho suggests that the commissioning model serves different purposes at FRAC Bourgogne, in every case, contributing to the ethos of its mission. Commissioning is both linked to the programme of changing exhibitions and also, through 'commission-accession' (achat par commande)[12] to the development of the permanent collection. This is demonstrated by works like Jonas Dahlberg's *Invisible Cities* (2004) (Figure 3.1), *All the Invisible Cities in the world* (2004–2005), *Invisible Cities: Location Studies*, (2004–2005) (Figure 3.2). This body of work was commissioned by FRAC Bourgogne in 2004, exhibited there between December 2005 and February 2006 and all three of the works were subsequently accessioned into the permanent collection in 2006. This is an example of how the commissioning model can have multiple forms, even in the context of a single collection.

In the case of Dahlberg's project, the work was commissioned for exhibition before being acquired for the collection. In this sense, the commissioning model both functioned as a tool to inform FRAC Bourgogne's regular programme of exhibitions as well as to enrich its permanent collection.

Commissions have provided opportunities to collaborate with museums, galleries and other cultural organisations in the same region as well as nationally and internationally. An example is Knut Asdam's *Blissed* (2005), a film co-commissioned by FRAC Bourgogne, Kunsthalle Bern, Switzerland and Objectif Exhibitions, with support from

[11] Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[12] The term 'achat par commande' originated in France and describes a process by which a museum or gallery commissions an artist to create a work of art, which after realisation, then enters the museum's collection. For further details of this see: (Musee Orsay. "Modes d'acquisitions". In: *Musee Orsay Website* [2013]. URL: `http://www.musee-orsay.fr/`, Last accessed: 21.07.2013).

NBK vederlagsfondet, Oslo and the Norwegian Embassy in London. It was co-acquired by the collections of FRAC Bourgogne and Kunsthalle Bern in 2006 after consecutive exhibitions in the Spring, Summer and Autumn of that year at FRAC Bourgogne, the 59th International Film Festival, Locarno, Switzerland and Galerie Cent 8, Paris, respectively. FRAC Bourgogne and Kunsthalle Bern each obtained a master copy of the film for their permanent collections. In this case the commissioning model served both to strengthen the profiles of the commissioning agencies as well as the visibility of the artist's work by making it accessible to different audiences through consecutive exhibitions in the Burgundy region, nationally and internationally. This is one of the major benefits of the commissioning model, the possibility to make art accessible to different audiences and this is a key theme that I will return to in Chapter Four. Eva Gonzalez-Sancho suggested that even in a FRAC, where there is a strong onus on collecting "part of our mission is to promote contemporary art and to promote the artists and commissioning is one way of doing that."[13]

The joint commissioning and collecting of new work as a model has not only furthered the exposure of artists and their works, but has also heightened the public profiles of the commissioning organisations themselves. As I have argued earlier, the 'commission-accession' model also offers solutions for museums and galleries for acquiring ambitious works, that are often expensive to make, at relatively low cost compared to buying work from the primary market. It can also reduce competition and create opportunities for institutions to work with particular artist and to acquire their works. As the previous example demonstrates, by working in partnership, FRAC Bourgogne and Kunsthalle Bern were able to split the production cost for the film between themselves and their partners, which was then deducted from the purchase price of the work. Eva Gonzalez-Sancho commented on this, suggesting that:

> "We don't have a culture in France to have private money coming in. What we have done in the past is to try to find the money by going in with several

[13]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

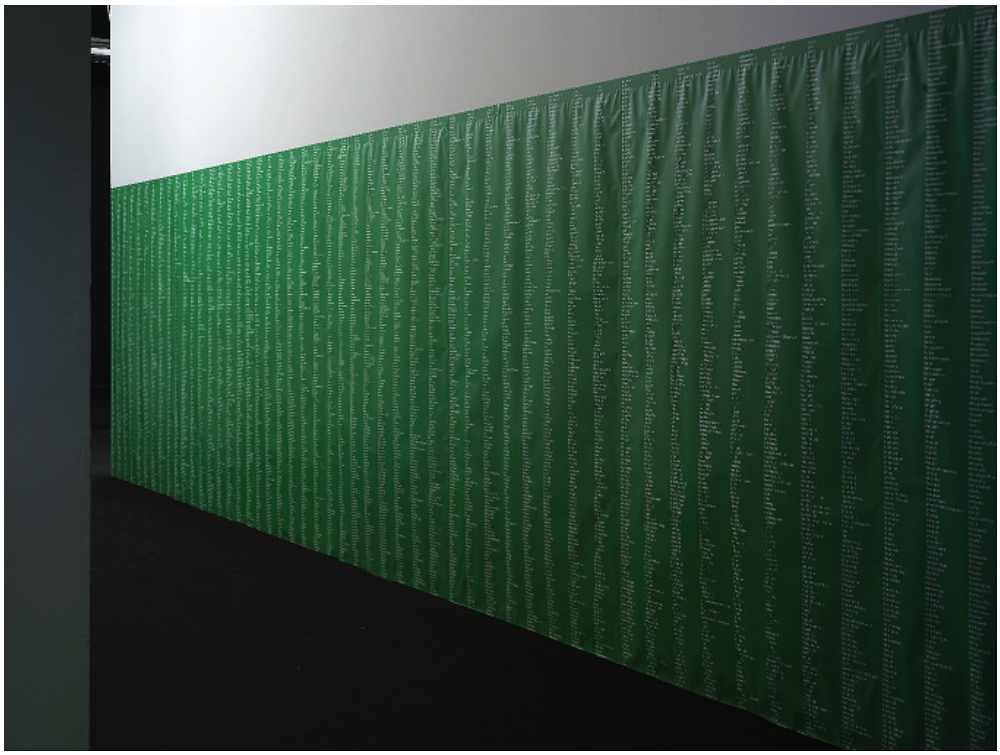


Figure 3.1: Jonas Dahlberg, *Invisible Cities, 2004; All the Invisible Cities in the World, 2004-2005; Invisible Cities: Location Studies*, 2004-2005, Wall Paper and video installation, Dimensions variable, Photo: Courtesy of the Artist and Frac Bourgogne.

> institutions. [For the Knut Asdam commission] we worked with three other institutions to make the commission and we invested equally in the production, because there was not enough money, and then we bought it. And both we and the Kunsthalle Bern each got a copy of the work. We do this mostly for film works. Sometimes we get money from a lot of institutions to do this."[14]

The joint commissioning and collecting of contemporary art is a model that has been used relatively often in the production of artist film and video, as moving image works tend to lend themselves more easily to simple processes of duplication. As earlier discussed, this marks a substantial shift from Renaissance commissions, as multiples enable shared ownership of a single work. However, there are also examples of

[14]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

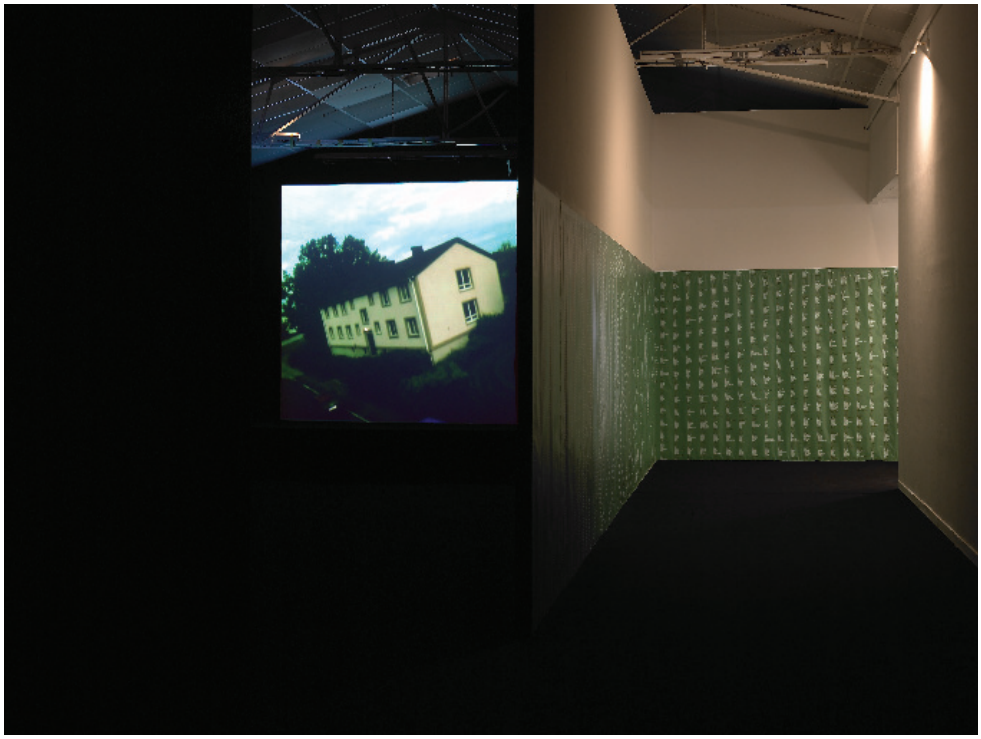


Figure 3.2: Jonas Dahlberg, *Invisible Cities, 2004; All the Invisible Cities in the World, 2004-2005; Invisible Cities: Location Studies*, 2004-2005, (Installation view). Photo: Courtesy of the Artist and FRAC Bourgogne.

co-commissioning and co-collecting practices extending to works in a range of other media, such as Tatham and O'Sullivan's commission that will be discussed later, which may involve more elaborate 'commission-accession' practices. This is one of the key benefits commissions offer to museums, wrote Buck and McClean, who argue that: "Funding partnerships between a number of commissioning partners, especially for ambitious touring projects, are becoming increasingly common in the contemporary art world where resources are limited."[15] This is due to the fact that where there are few works available for collection by a particular artist competition for those works tends to be relatively strong. The following commission demonstrates another example of this.

[15]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 211.

At FRAC Bourgogne commissioning has also played an important role in dissemination, by working with artists to create new work outside the gallery in alternative public spaces, commissions have acted as a mechanism for bringing contemporary art to new and diverse spectrums of the public. A notable example of this was the joint acquisition of Krijn de Koning's *Untitled* (2006) (Figure 3.3 and Figure 3.4), painted *in-situ* for the Abbaye de Corbigny, in the central region of France, west of Burgundy. The work was commissioned by the Abbaye de Corbigny (Espaces de cultures du Pays Nivernais Morvan) in Corbigny and the Parc Saint Lèger, Centre d'art Contemporain in Pougues-les-Eaux. The work painted *in-situ* (included acrylic and wood), covers the floors, walls and ceiling of the kitchen of the Abbaye de Corbigny and it remains permanently installed there. The co-commissioning of the work by the Abbaye de Corbigny and the Centre d'art Contemporain in Pougues-les-Eaux was originally intended to be for exhibition only and subsequently removed after it was shown, however, after the work was completed it was considered to be a very significant work by the artist. The work was therefore jointly acquired by the Abbaye de Corbigny and FRAC Bourgogne in 2007 so that it could have a permanent legacy in Corbigny and for local and foreign visitors to the region. Eva Gonzalez-Sancho commented on the uniqueness of the commissioning model that underpinned the making and acquisition of the work:

> "The Abbaye de Corbigny and the contemporary art centre there commissioned the work. After the exhibition the work was going to be removed and destroyed and we felt it was really a very good work and a really important work for the artist so we acquired it. It was a difficult process because they were outside of our remit geographically and it involved collaboration with these other organisations, which have a very different funding structure than we do. We entered into a contract with the manager of the Abbaye de Corbigny. We bought the work in a temporary contract, which lasts for ten years. After that, it will be the responsibility of the Abbaye de Corbigny alone. It is mostly their responsibility because the work was made *in-situ* and they care for the work and the work will be presented once per year there. This was a complicated case because if the work suffers any damage or deterioration they have to contact us immediately. I had to defend this work in front of politicians and to my board because it was a very unusual situation due to the different organisations involved and because there was fear

> about the permanence of the work and it being in a historical environment. I took the responsibility to argue for the work to the board who were also skeptical because it involved working with other politicians in another city. In the end, we made it happen and the partnership was really successful."[16]

This further demonstrates not only the plurality of commissioning models now in use, but also the complexity of possible commissioning arrangements. Here we see a work co-commissioned by two organisations and then jointly acquired with support from an institution external to the commission. In this case, the commissioning model extended to include multiple commissioners and a separate co-ownership agreement for the work. Unlike with Knut Asdam's film commission, where the work was editioned and each of the participating organisations owned a permanent copy for their collections, in the case of Krijn de Koning's commission the work is site-specific and was created especially for the Abbaye de Corbigny and thus could not be removed and re-installed in another site. The work is temporarily co-owned by FRAC Bourgogne and the Abbaye de Corbigny for a ten year duration, but remains physically in the care of the latter.

The co-commissioning and co-acquisition of Krijn de Koning's work is an example of a particularly ambitious commission both because it enabled the participating organisations to share resources and expertise in the development and acquisition of the work and because of the challenge of co-owning a site-specific work of this scale. The project, which involved different cultural organisations from different regions with disparate funding structures working together to collect a newly commissioned work of art is an example of what is possible when there is shared vision, commitment and cooperation between commissioning partners. The project challenged the organisations involved both during the commissioning process as well as in the acquisition of the work, as it involved working collaboratively with partners in different regions, which in the case of

[16]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Figure 3.3: Krijn de Koning, *Untitled*, 2006, Acrylic paint on plaster, (Interior view), Photo: Courtesy of the artist and FRAC Bourgogne.

FRAC Bourgogne were placed outside its operating remit. This enabled the artist to create something new in a unique context.

Krijn de Koning's commission demonstrates how the 'commission-accession' model can introduce possibilities for interinstitutional collaborations and knowledge exchange, and locate art in locations outside of traditional museum and gallery spaces, and in doing so, can create new opportunities for audiences to engage with contemporary works of art and promote greater exposure to artists and their works. This example exemplifies a radical break from mainstream museum collecting models, which have historically favoured acquiring existing works and maintaining physical custody over the works in their collections. The commissioning of new work for off-site locations, out with the museum or gallery premises, demonstrates a shift in curatorial innovation. This shift in innovation was outlined by Buck and McClean, who reported that:

> "Some commissioners are prepared to enter into a creative, open-ended contract with the artist, and this approach often manifests itself in residencies,

> research-based projects and placements. All of these provide especially good opportunities for artists to immerse themselves in a new context and make work that reflects their change in circumstances and where the outcome is often unknown at the outset."[17]

The project is an example of how ambitious curating and intelligent partnership work can overcome organisational barriers and facilitate the making of new art that can have a permanent legacy for the city or region where it was made. Such opportunities present possibilities for artists to make work in contexts otherwise inaccessible to them. The collecting of commissioned works of art can also further the depth of museum and gallery collections.

In the case of FRAC Bourgogne, commissioning has played a key role in collections development and in doing so 'commission-accession' practices have enabled greater numbers of works from its collection to be loaned to museums and galleries regionally, nationally and even internationally. This is a key benefit both for artists as well as for the profile of museums and galleries and their audiences.

Eva-Gonzalez-Sancho recounted how, "most of the work we commission has ended up in the permanent collection."[18] She went on to discuss how this is an important feature of a commission for many artists, noting that, while working with the Mexican-born artist, Stefan Brugemmann, Brugemmann mentioned that he, "really liked the fact that works in the collection of FRAC Bourgogne were made for and often exhibited in different contexts."[19] The potential of commissioning processes to create new contexts in which artists can work is a primary benefit for artists and museums. Works such as Krijn de Koning's site-specific work for the Abbaye de Corbigny is evidence of this. While the work was only jointly acquired under a temporary acquisition's contract, the work was painted *in-situ* and the arrangement is reticent of a long-term loan. However, in this

[17]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 67.
[18]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[19]Ibid.

case, the work is to remain solely in the ownership of the Abbaye de Corbigny after the stipulated ten-year period. This commission is an example of how institutions can invent commissioning models to fit their specific purposes, which is yet another benefit of such projects. This was another important feature of the commission, as it ties into FRAC Bourgogne's commitment to dissemination, which includes the regular loaning of works regionally, nationally and internationally. In October of 2009, FRAC Bourgogne had approximately seven-hundred and fifty works in its collection, three-hundred of which were travelling during the year.[20] This has helped to raise the reputation of the collection as well as the artists whose works are represented in it.

The recent artworks commissioned by FRAC Bourgogne demonstrate that commissions can take a variety of different forms (exhibitions, out-door and public spaces and for the permanent collection) even within the context of a single institution. FRAC Bourgogne has both commissioned independently such as was the case with the work of Jonas Dahlberg, participated in joint commissions and 'commission-accession' partnerships such as with Knut Asdam's film commission and has also co-commissioned and acquired works together with other organisations like in the previous example of Krijn de Koning's work for the Abbaye de Corbigny. However, FRAC Bourgogne's commissions have also taken more subtle forms and are not always based around large-scale, high-profile projects, but rather also focus on providing artists with the opportunity to re-make existing work in order to be acquired for the collection. This was the case when FRAC Bourgogne commissioned Simona Denicolai to readapt *Hans & Gretel : Communautè des biens* (2004) for the permanent collection, as well as in the remaking of previously commissioned works such as was true in the case of works commissioned by Armando Andrade Tudela, Gaylen Gerber and Lara Almarcegui. FRAC Bourgogne Commissions have also allowed artists to make a work over a sustained period of development such as was true in the case of Matthew time such as was true in the cases

[20]Fiske, "Programme: Contemporary Collections and Collectin in Scotland series 'Perspectives on European Collections', CCA, Glasgow", quoting Eva Gonzalez-Sancho.

Buckingham and Stefan Brugemman. The details of these commissions are outlined in the following section.

Hans & Gretel: Communautè des biens (2004) is a sound work by Simona Denicolai, which was recorded onto the telephone answering machine at FRAC Bourgogne. The work was initiated by Denicolai and Ivo Provoost in 2000 and was exhibited in a house in the Soigne Forest close to Brussels. In 2004 FRAC Bourgogne commissioned Denicolai to re-adapt the work for FRAC Bourgogne and then acquired that work for the permanent collection.

Commissions also facilitate opportunities for artists to make new work or to make work for or in a specific context. This was true of large-scale projects like Krijn de Koning's work for the Abbaye de Corbigny discussed earlier, but it is also a central part of more modest commissions such as the work commissioned by Armando Andrade Tudela. Every time Andrade Tudela exhibits he makes new work. He made a small graphic exhibition, entitled 'Untitled 2010' for FRAC Bourgogne in 2010. FRAC Bourgogne wanted to buy some of the work from the exhibition, however, Eva Gonzalez-Sancho reported that, "some of the work had not been made very well, materially speaking, and so there was the opportunity to make some of the work more stable. So we reproduced the work."[21] In this case, FRAC Bourgogne worked with the artist to re-make the work with the intention of acquiring it for the collection. Here we see the merging of a commissioning model and a production model where the emphasis is not on making new work *per se,* but rather on remaking existing work that had been produced previously for an exhibition. In the case of Andrade Tudela's work, which was originally made for exhibition, the remaking of the work allowed the work to exist long-term and created the potential for the work to be acquired for the permanent collection. Andrade Tudela's project, demonstrates how by working directly with the artist, FRAC Bourgogne was

[21]It is important to mention that due to Eva-Gonzalez-Sancho's resignation from FRAC Bourgogne in 2011, there was not enough time to acquire the work for the collection. For further details see: (Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)").

able to identify issues related to the material composition of the work so that it could be remade in a more permanent way. Eva Gonzalez-Sancho suggested that:

> "Commissioning work directly from an artist enables the possibility to follow the production of a work from start to finish and you can evaluate its material consistency. I have seen a lot of work that has been made for exhibitions, which has been made quickly and the material aspect of the work is badly done. When you work with an artist in the production of a work it allows you to find solutions and to overcome material challenges to allow the work to live and to have long-term potential in a collection. It is about trying to find solutions to maintaining the work in a good state."[22]

These examples demonstrate that working directly with artists to commission and produce new work can not only create opportunities for artists to make new work and enable arts organisations to facilitate the creation and presentation of contemporary art in 'real' time, but working with an artist during the development and production phases of a project can also open up possibilities for curators to better understand and interpret the work in their collections and to find solutions to material issues before a work is made. This can in turn help to solve collecting challenges and enable contemporary artworks to have a long-term life in the context of public art collections.

Commissions have introduced important opportunities for arts organisations to work directly with artists, but they have also facilitated possibilities for artists to work together or to collaborate in the making of a new work, which can be highly beneficial and enriching and can have long-term impacts on an artist's practice. This was the case when FRAC Bourgogne invited Rita McBride and Koenraad Dedobeleer in 2008 to make new work as part of a group show. This initiated a collaboration that resulted in a series of new works for the show 'Tight, Repeating Boredom'. Eva Gonzalez-Sancho discussed some of the benefits that emerged from the project:

> "Trusting the artist is essential in a commission. In the case of Rita McBride and Koenraad Dedobeleer we invited them to make a group show and they

[22]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> began to work together for the first time. They had a really strong dialogue between them and so we stayed slightly more at a distance. This engagement was so successful for both artists that they have worked together since then.".[23]"

Commissions provide opportunities for arts organisations to work directly with artists and to develop a sustained engagement with an artist's work. However, as the above commission demonstrates, commissions can also lead to indirect purchases of an artist's work by creating a relationship with an artist, which can open up opportunities to acquire an existing work rather than as a direct result of an art commission and this can help to reduce competition by establishing a relationship with the artist, which may lead to getting a better work by that artist. By enabling curators to develop a greater understanding of an artist's practice, commissions open up opportunities for sustained and meaningful engagements with artists and their works, which can lead to informed purchases and can help curators to select the most appropriate work by an artist for their collections. Eva Gonzalez-Sancho claimed that:

> "Commissioning and producing new works is a way of remaining very close to the art of today and to building relationships with artists. The more you work with an artist and develop a dialogue, the more you understand their work and that enables you to make the best decision about which work is available and most appropriate to the collection. There are a lot of risks involved and we are taking big risks with public money, so the more you can understand and develop a knowledge of an artist's practice the more informed your decisions will be on selecting the best possible work by that artist or on commissioning a work by that artist."[24]

This was the case when FRAC Bourgogne commissioned Stefan Brugemmann to make a new monographic work, which was exhibited at FRAC Bourgogne alongside pre-existing works by the artist, from October 2008 to January 2009. The work commissioned for the exhibition was not acquired for the permanent collection, but instead led to the

[23]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[24]Ibid.

acquisition of an existing work from his exhibition *From Anything To Anything In No Time* (2007) which, following the show, was accessioned into the permanent collection in 2010. Eva Gonzalez-Sancho reported that:

> "The artist can provide a great depth of information and there is a tremendous satisfaction in continuing to work with an artist over a sustained period of time and to engaging in the long-term development of the artist's work and this was really the case with artists like Stefan Brugemmann. We commissioned him to make a monographic work, but we did not acquire that work, but working directly with him and with other artists in a close way can help to build potential for other projects in other locations and to identify how best to help artists with their work, which can also facilitate new entries of works into the collection."[25]

FRAC Bourgogne has used the commissioning model to inform its collecting in different ways. As the previous examples have demonstrated, there are a number of examples of works commissioned by FRAC Bourgogne entering the permanent collection after they are shown, however, there are also examples of commissions leading to purchases of existing works by artists instead of a commissioned work or in addition to an acquisition of a commissioned work. This can be highly beneficial to arts organisations especially where there is strong competition to work with particular artists. This was the case with Stefan Brugemmann's work, cited above, as well as with other notable projects such as Gaylen Gerber's *Backdrop* (1998), which was an existing work that was shown together with newly commissioned works. *Backdrop* is a site-specific work, and while it was not created for the show specifically, it was presented in a new way that was specific to the context of FRAC Bourgogne. In this case the restaging of the work facilitated a close engagement with the artist, which resulted in an acquisition to FRAC Bourgogne's permanent collection. Eva Gonzalez-Sancho commented on working with Gaylen Gerber suggesting that: "In this case he [Gerber] proposed another work for the collection that was not the commissioned work. So a commission can have many shapes."[26]

[25]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[26]Ibid., p. 6.

Gerber's work raises another important point about the potential of commissions to offer necessary support to artists. There are certain artists, for whom the nature of their artistic practice is site-specific and this means that every time they exhibit they make new work. The nature of these kinds of artistic practices, which may involve long periods of production or research and can result in works that are large in scale, multifaceted or difficult to install, can make them less collectable and as a result reduce the size of the commercial market for the artist. For many artists, commissions provide a way of making work and they are often dependent on the financial, technical or practical support such projects offer in order to do so. This was the case when FRAC Bourgogne worked with Lara Almarcegui and Matthew Buckingham, both artists whose works are heavily dependent on production.

Lara Almarcegui's work explores the relationship between architecture and urbanism and often focusses on abandoned or derelict spaces. She creates large-scale installations that are often multifaceted and which respond to the particularities of the sites in which her works are made. In this case, the scale and nature of her work makes it both expensive to produce and to show and she is consequently very reliant on commissions in order to gain access to particular sites in which to make her works as well as on the financial support required to realise them. This is demonstrated well by works like *Frac de Bourgogne: Matèriaux de construction* (2003), which was made for the exhibition '1:1 x temps quantites, proportions et fuites' at FRAC Bourgogne the same year. In the work, *Frac de Bourgogne: Matèriaux de construction,* Almarcegui turned her attention to the FRAC building itself, creating a large-scale installation that included all of the materials used to construct the building, which were then exhibited in one room. Almarcegui's work is an example of the important role that commissions can have for artist's whose work due to scale, access to a particular site or use of materials are difficult or costly to produce. Eva Gonzalez-Sancho noted that:

> "Artists like to produce for a specific context. Institutions often ask artists to exhibit existing work, but it is really important, particularly for artists who are responding to site-specific contexts to have the opportunity to undertake

> commissions. This was the case with Lara Almarcegui. She works a lot in production and she has been asked to show existing work, but this can be boring for an artist. Some artists need a commission in order to exhibit their work because the nature of their work is site-specific. It really depends on the practice of the artist. Commissions can enable an artist the chance to push their practice forward."[27]

American artist, Matthew Buckingham's work consists of films, slide projections and photographs. His films often require a lengthy period of research and take a very long time to produce. Commissions have offered Buckingham the opportunity to development a project over a sustained period of time and this has become central to his ability to make new work. Eva Gonzalez-Sancho suggested that:

> "In the case of Matthew Buckingham the production of his work takes a very long time. It could last two years or more for him to make a new work. So artists need the investment of time that a commissioning process allows as well."[28]

The previous examples demonstrate the range of different commissioning practices currently being used at FRAC Bourgogne and demonstrate the potential commissioning models can offer to museum professionals when adapted to fit their specific purposes. They also show how commissioning at FRAC Bourgogne has served a circular function. The commissioning of new work for exhibitions has enabled the presentation of a diverse programme of contemporary art for audiences in the Burgundy region. Many of the commissions for exhibition have gone full circle and resulted in acquisitions, which have enriched the scope of the collection, created new opportunities for dissemination, provided access to international audiences and increased the visibility and reputations of contemporary artists and their works as well as that of the FRAC Bourgogne collection.

[27]Hanley, "Interview: Eva-Gonzalez-Sancho 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[28]Ibid.

3.1.2 Le Consortium Centre D'Art Contemporain

Le Consortium, a centre for contemporary art also in Dijon, France was founded in 1977. Originally conceived as a non-profit organisation under the title Le Coin du Miroir, it began by putting on small shows in a small space above an alternative bookshop. The programme, which has evolved considerably alongside the collection of international and French art, had a mixed mission, which was unique to the context of France in the '70s and '80s and still functions outside the traditional trajectory of organisations that fall under the jurisdiction of a contemporary art centre.

Le Consortium was conceived with an extremely limited budget, but commissioning was from the very outset a core function of its mission. The organisation is comprised of a small three-man team including Franck Gautherot, Xavier Douroux and Eric Colliard (who was killed in a car accident in 1995 and was subsequently replaced by Eric Troncy in 1996). The small staff structure has remained a key part of the organisation's creative success since its opening. Originating as a non-profit organisation, Le Consortium began by commissioning artists to make new work for small exhibitions, which were shown locally in Dijon, almost immediately adopting a commercial dimension as part of its programme of exhibitions. From the outset, commissioning was at the centre of Le Consortium's programme. Exhibitions would often initiate with an invitation to an artist to make a new work, but rather than paying the artist a fee, they would sell some of the artist's work and then use that income to pay the artist, and in exchange for this, the artist would donate a piece of work to the collection.

In the early years of the organisation, due to the relatively small budget it had at the time, it was considered more cost-effective to work with artists to produce new work than it was to pay to ship existing works from elsewhere. Commissioning, thus, became a way for Le Consortium to support artists to make new work at low cost and to do so in the context of Dijon. In a recent interview, Franck Gautherot, Co-director

of Le Consortium, discussed the origins of the commissioning model at Le Consortium, stating that:

> "We were following this idea... because it costs less even to produce a work than to pay shipping and all of the other added costs linked to bringing a work to us in Dijon... and we had no money to do so. We were also not interested in bringing existing work to show. We were more interested in supporting the making of new things, facilitating a response by an artist to a given situation. Be it a space, a cultural situation, a political situation, any kind. So most of the artists who came to make work for an exhibition were responding to this. And it started like this."[29]

Eventually the organisation relocated in 1982 to an old shop in Dijon, adopting the name Le Consortium as well as the brand of a contemporary art centre. Le Consortium has expanded and now includes two additional specialised departments, these include: the Presses du Rèel, a publishing house, introduced in 1992 and the film production company, Anna Sanders Films, initiated in 1997. However, despite these changes, the organisation has maintained its close connection to working directly with artists, commissioning and producing new work for exhibitions and for the collection and with this their commercial role has shifted to that of a mediator. Focusing on facilitating the making of new work and often bridging partnerships with public collections regionally, nationally and internationally, Le Consortium has used commissioning not only to inform its own collection, but to support the work of artists by facilitating entry of commissioned works into collections outside of Dijon, recouping their investment in the production of new work and recycling it back into their programme. They have also developed commissioned works for out-door and public spaces as part of the Nouveaux Commanditaire (New Patrons) scheme and as part of their regular programme.

From the 1980s onward most art centres in France became public institutions and were funded as such as a result of their municipal roles as public service providers,

[29]Bo Hanley. "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: Le Consortium Centre d'Art Contemporain, 37 Rue Longvic Dijon, France. 2009, Quoting Gautherot.

however, despite these changes, Le Consortium has continued to operate relatively independently. It has done so by working in partnership with other arts institutions and regularly fundraising for projects, drawing in parts of its budget from private, regional and national funding bodies where possible.[30] This has allowed the organisation to remain open in its remit and in the programming of new projects with artists. Gautherot commented on the origins of Le Consortium and their commitment to staying as independent as possible:

> "Our decision to operate this way only gave us a little money... never were we asked to have a board of trustees or a board of directors [...] Most art centres became public institutions, a kind of municipal service provider. And they were funded as such, where as we had to fight for every last cent. This meant though that we were never dependent on anyone else. And we have always wanted this."[31]

Within this funding structure, the commissioning of new work for exhibition, collection and out-door and public spaces continues to be at the centre of Le Consortium's programme. Le Consortium currently runs its activities through six different departments including: an exhibitions department, which puts on eight exhibitions per year; a graphic design department that creates catalogues and posters; a research and design office which manages interinstitutional collaborations and exhibitions nationally and internationally; a collection that consists of more than 300 works by international artists; an Art and Society department (initiated in 1991 as part of their consultancy role for the Fondation de France within the framework of the Nouveaux Commanditaire (New Patrons) and Nouvelles Scènes (New Scenes)), which is responsible for working with individuals and organisations to commission new work for public and private spaces; and a performance art department, specialising in contemporary performance art, choreography and music. Alongside these departments, Le Consortium also hosts a publishing

[30] Le Consortium is currently core funded by the Ministère de la Culture et de la Comunicacin, the Direction Règionale des Affaires Culturelles de Bourgogne, the Burgundy Regional Council, the Cùte d'Or County Council, and the Dijon Town Hall. For further details see: (Le Consortium. *Le Consortium Website*. 2013. URL: `http://leconsortium.fr/`, Last accessed: 21.07.2013)

[31] Dale Berning. "Le Consortium: Interview with Franck Gautherot". In: (2011). URL: `http://bunt-art.blogspot.com/2011/03/le-consortium.html`, p. 2., Last accessed: 21.07.2013.

house, Les Presses du Rèel, and a motion picture production company, Anna Sanders Film. Within these different departments the commissioning of contemporary art takes different forms, the following examples outline the scope of some of these practices at Le Consortium and how they have helped to shape its programme and to create legacies of contemporary art locally, regionally and internationally.

Le Consortium regularly commissions and produces new works by contemporary artists as part of a regular programme of changing exhibitions. Since 1977, when the organisation was founded, it has invited artists such as: Hans Haacke, Christian Boltanski, Niele Toroni, Olivier Mosset, Claude Rutault, Annette Messager, Sylvie Fleury, Maurizio Cattelan, Remy Zaugg and Yayoi Kusama to make new work for exhibition and for the collection. These commissions resulted in many of the first exhibitions by such artists in France bringing works by these artists to audiences in Dijon for the first time. In doing so they have greatly informed the scope of Le Consortium's collection, which includes works by all of the artists previously named. Investing in commissions by these artists at early stages in their careers has contributed substantially to the reputation within the context of artworld.

The acquisition of contemporary artworks have come about in different ways at Le Consortium. In the case of artists like Hans Haacke and Christian Boltanski, both commissioned by Le Consortium in the early years of the organisation, the invitation to exhibit offered these artists the opportunity to develop new work, which responded to issues and communities in France and to be free to experiment in the making of such works. Gautherot noted that:

> "When we do a show with somebody we want to be the first spectators. We want to know more about it... and, especially when it is a new work... it is more interesting. And the City of Dijon is close to Paris, but away, so for even the big artists... and many artists we exhibited were big or became very well known afterwards, there was no pressure. And many times we have had

> an artist experiment with things that they have never done before because it is a place that is free."[32]

This was the case when Le Consortium invited New York-based artist, Hans Haacke, to make a new work for exhibition in Dijon. It was the first time that Haacke had been commissioned to make a new work in France and to respond to the French situation. Haacke's work frequently responds to different political issues and the situations affecting society. After being invited to make a new work, Haacke asked Le Consortium to supply him with an annual subscription to a local Dijon newspaper and the time to develop an idea for the work. Gautherot discussed his conversation with the artist, noting that Haacke said:

> "'I am very interested in this because I have never been asked to make a commissioned work in France.' But he said: 'You know I cannot guarantee you that I will find an idea or something to work around. There is a risk for you there and there is a risk for me.' So he said: 'You give me one year and we'll see if something happens or not.' He only asked for one thing, he said: 'Can you make me a subscription to the local Newspaper of Dijon?' So that he could collect information and so that if from time to time if he saw something he was able to ask for more information."[33]

The resulting work, *Les must de Rembradt* (1986), was exhibited at Le Consortium that same year. The work is a large-scale installation, which consists of a concrete bunker containing a mock façade of a Cartier boutique with a photo of black South African workers beneath it. Informational plaques appear on the façade, drawing links between Cartier-Monde, the Rembradt Group (a network of South African companies) and GENCOR, a South African mining corporation known for its brutal treatment of the black mining workforce.[34]

[32]Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[33]Ibid.

[34]For more information on the work of Hans Haacke, including an analysis of *Les must de Rembrandt* see: (Benjamin H. D. Buchloh. "Chapter 7, Hans Haacke: Memory and Instrumental Reason". In: *Neo-avantgarde and culture industry: essays on European and American art 1955-1975*. Massachusetts Institute Technology Press: MA, 2000, pp. 203–242)

The work responded to a number of political allegiances between the French Minister of Culture, Cartier and the Rembradt corporation in South Africa. The work has become one of Haacke's most iconic pieces. Gautherot remarked that:

> "This piece was really polemical and very famous and in a way this was more than a commission, because we asked him [Haacke] to make a piece related to France and he made this... he was interested because he spent quite a lot of time in France and also because of the political situation... at the time there was this connection between the private companies and culture and it was quite polemical. And of course, Haacke put his hand in it, because it was a big, edgy topic and after he finished it was quite an amazing piece."[35]

It was consecutively shown at the Centre Georges Pompidou for the exhibition, 'L'Epoque, la mode, la morale, la passion' in 1987 and again in a solo exhibition there two years later, eventually becoming part of the permanent collection of the Deichtorhallen in Hamburg, Germany. Due to Le Consortium's budget limitations at the time of the commission (they were still operating on a very small scale), and because Haacke did not have another work available to sell (the 'commission-accession' model at Le Consortium has been based around negotiations with artists where the organisation sells another existing work by the artist in exchange for a discount or a donation of an artwork to Le Consortium's collection), Le Consortium was unable to acquire the work for their own collection. Gautherot noted that:

> "If we are not successful on the commercial end... for instance, with the Hans Haacke we commissioned and produced the work with his gallery, and paid for it, and we knew that we would not be able to purchase it because there was not another piece along side it for sale. Afterwards we happened to sell another work by Hans, not as part of the exhibition, but some collector came to us and said he would like to have a piece by Haacke and so we found a piece for him and we used that towards the purchase of another work."[36]

However, while Le Consortium was unable to purchase 'Les Must de Rembrandt', working with Haacke led to the remaking of another existing work *De oneindige dankbaarheid*

[35]Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[36]Ibid.

(The infinite gratitude) (1978), which was then acquired for the collection. *De oneindige dankbaarheid*, first exhibited in 1979 at the Van Abbemuseum in Eindhoven, was a critique on Phillips, the Dutch multinational electronics company and its positive publicity on the Shah in Iran. The work consisted of a rug with the Phillips logo and a newspaper advertisement printed on it in Persian in which Phillips was supporting the Shah. Gautherot commented on the remaking of the work and its acquisition by Le Consortium, stating that:

> "So Haacke found this advertisement and he made a rug out of it with the Phillips logo and the advertisement in the Persian language about this thing. At the time Haacke did not have the money to make the rug out of real authentic materials, so we came up with the money to make the rug out of the real authentic materials he had originally wanted to use. So we came up with the money to commission him to remake the work the way he wanted to and he was really pleased to have the piece really properly executed and we acquired this work."[37]

This example demonstrates a layered process of commissioning similar to that used by the FRAC for the commissioning of Andrade Tudela's work, where working directly with an artist in the making of new work opened up a number of opportunities for the artist as well as for the commissioning organisation. By working with Haacke to develop *Les must de Rembradt*, Le Consortium was able to build a relationship with the artist, which culminated in the creation of a new work, but also in the remaking of an existing work, which has enriched the scope of Le Consortium's collection and provided a legacy of Haacke's work for the City of Dijon. The benefits of the commissioning relationship with Haacke have also extended beyond the original commission, as Haacke gave Le Consortium permission to reinstall *Les must de Rembradt* as part of the inauguration of the new gallery space, which opened in mid-September 2011. [38]

[37] Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[38] Despite Haacke's willingness to reinstall his work, the work was not included in Le Consortium's opening exhibition in 2011. In order to protect those involved the reasons for this could not be disclosed.

This highlights how commissioning practices can have a circular impact that extends beyond a single commission and can have mutual benefits for arts organisations, artists and their audiences. Haacke's commission for *Les must de Rembradt* led to a long-term relationship with Le Consortium that resulted in the realisation of a major new work (which was shown consecutively in Dijon and twice in Paris), the remaking of a second work *De oneindige dankbaarheid* and the acquisition of that work into the permanent collection and also provoked an on-going relationship with the artist, which created the opportunity for Le Consortium to represent Haacke's work in Dijon and to reshow the original work in the new building space. This has helped to build the scope of Le Consortium's collection and enabled further access to viewings of Haacke's work for local audiences living in Dijon, enhancing Le Consortium's public profile. Haacke was already quite an established artist at the time, yet this commission enabled Le Consortium to develop a relationship with the artist that enabled them to acquire one of his works later. While the commissioning of *Les must de Rembradt* did not result in a direct purchase of the work originally commissioned, it did lead to a positive relationship with the artist, which resulted in the acquisition of another work. The commission also developed a new audience for Haacke's work in France and offered him the opportunity to work with Le Consortium a second time and supplied him with the support needed to remake an existing work in the way he had originally conceived it to be.

Le Consortium used a similar commissioning model in one of its early projects with French artist, Christian Boltanski. In 1973 Boltanski had been commissioned by the city of Dijon under the management of Serge Lemoine, then, a history of art lecturer at the Universitè de Dijon, to make a new work for a school in Dijon as part of the one per cent law (a law that entails that when a public building is complete, one percent of the budget can be devoted to decoration).[39] The work consisted of a series of photographs

[39]Buck and McClean noted that: "'Per cent for art' policies are traditionally the largest single reason why artworks, such as transport systems, health authorities, and educational establishments, and private-sector developers either choose or are required by law to devote a small percentage (usually between one and two per cent) of construction or refurbishment budgets to commission artists as part of the cost of the development."(Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 42) 'Per cent for art' schemes operate in many countries, including: the US,

of children from the school, which Boltanski rephotographed and made into a permanent wall-work. Le Consortium commissioned Boltanski ten years later in 1983–1984 to make a second new work for exhibition in Dijon. As a result of the commission, Boltanski went back to the photographer with whom he had worked to rephotograph the pictures of the children from a decade earlier and the photographer had kept the negatives from the 1973 commission, which Boltanski then used to make a new piece, which was entitled *The Children of Dijon* (1983). Le Consortium sold two of the commissioned works and acquired one for the collection. Gautherot recounted the experience stating that:

> "Boltanski went there and asked to reuse the negatives... so he did a new piece with the old negatives... and its funny because it was ten years after the original commission, but people came back to see the new work and some of the students returned and they saw the portraits of themselves as children and they said: 'Hey that's me!' The work was titled The Children of Dijon. So it all started like this. We sold two pieces from that show for, what was at the time, only a little money and they have now become very expensive pieces, and we kept one piece in the collection."[40]

The above example again illustrates the uniqueness of Le Consortium's commissioning model, by incorporating a commercial dimension into their engagement with the artist, they have used commissions as a means to both create, exhibit, collect and disseminate contemporary artworks. Even more notable, is the organisation's willingness to work with artists at different stages in their careers and in particular to commission and acquire works by younger, less established artists. The benefits of their use of the commissioning model can now be seen in the scope of the collection, which includes a number of important early works, by now, very established artists. Artists and arts organisations can, by working together, generate greater interest and attention in their work, a significant mutual benefit.

Australia and most European countries. For country specific details of 'Per cent for art' policies see: (Lydiate, "Percentage for Art 'Come gather round people Wherever you roam'")

[40]Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

In the case of both Boltanski and Haacke, the commission provided an engagement with the artist, which allowed Gautherot and his colleagues (the commissioners) to develop a greater understanding of the artists' respective practices and existing works that were then available for purchase. This allowed the commissioners not only to make an informed decision about which works to acquire for the collection, but it also facilitated additional sales of the artists' works. In these cases, as well as in many others, this arrangement has resulted in on-going relationships with artists, which have led to further discounts in the acquisition of contemporary artworks or occasionally outright gifts of works to the collection. The previous examples demonstrate how the commissioning model has had mutual benefits for artists and commissioners by both supporting the making of new work and facilitating acquisitions of existing contemporary works into collections.

Another example of how commissioning and exhibitions have been used in tandem with collecting to create new work that responds to a particular site, location or context was Maurizio Cattelan's *Untitled* (1997) (Figure 3.5), a site-specific work commissioned by Le Consortium to mark the organisation's twentieth anniversary. Cattelan's *Untitled* work consisted of a 6.6 foot x 39.5 inch rectangular hole with a pile of removed earth beside it, which was dug into the centre of Le Consortium's main gallery space, providing the image of an open grave. Due to the work's content and relationship to the space the work presented a number of challenges for the organisation, Gautherot commented on the making of the work:

> "The idea was to dig a grave in the earth and to use the earth to put beside it like an open grave ready to welcome somebody in. It was quite a big shock because we were celebrating the anniversary of the organisation and what he (Cattelan) sent us was the image of death and for two months every day we were forced to go around this open grave. So anyway we did, and he made another piece, which we sold and we kept the grave."[41]

[41] Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Cattelan's *Untitled*, demonstrates, how commissioning an artist to make a new work, where the outcome is unknown, can be both exciting and risky. While the commission offered the chance to work directly with the artist to make a new work which was made especially for the space at Le Consortium and the context around the commission, it also presented a number of material and conceptual challenges for the organisation. Gautherot discussed the material specificities of the work and the challenges associated with acquiring and re-installing *Untitled*:

> "So this piece is really dependent on the space, but not this space *per se*, a natural space that has real earth, a piece of ground to dig from. So when we reinstall the grave in the new building we will need to find a place where we can re-dig the grave, a place where there is real earth."[42]

Despite these difficulties, in particular the material demands of the work - they needed to store the earth after the exhibition. The commission followed Le Consortium's typical model, again they sold another of Cattelan's works from the exhibition and acquired *Untitled* for the collection. In this case, the commission facilitated the realisation of an ambitious and challenging new work, which responded to the organisation's specific context and which has a particular relationship to the organisation and to Dijon. The acquisition of Cattelan's *Untitled* is yet another example of how the 'commission-accession' principle has been used to facilitate the making of new works that are deeply embedded in a collection.

Le Consortium has not only used commissioning to facilitate site-specific works within the context of their own collection, they have also actively commissioned new works for outdoor and public spaces in the Burgundy region within the framework of the Nouveaux Commanditaires (New Patrons programme) under the jurisdiction of the

[42]Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Fondation de France.[43] Since 1991 Le Consortium has been one of the eight mediating organisations working with international contemporary artists to facilitate the realisation of newly commissioned works, as part of the programme of the Nouveaux Commanditaires under the provision of the Fondation de France. Focusing heavily on rural spaces in the Burgundy region, Le Consortium has worked with individuals, organisations and public institutions. It has commissioned more than fifty new works of art, from standard pieces that can be exhibited in museums and galleries, to site-specific works that relate to the Burgundy district. Commissions include works such as: the wash-houses tour of the Chatillonais, the University area and the canal de Bourgogne, the paintings of Yan Pei Ming, the street-lighting works by Christian Boltanski and the buildings of Patrick Berger.[44]

Works such as these, commissioned for public spaces throughout the Burgundy

[43]The Fondation de France is and independent-private administrative agency, established in 1969 by the French government (created by Charles de Gaulle) and supervised by the then Ministere de la Culture Andre Malraux. Inspired by the vitality of the American model and the success of foundations in the United States, The Fondation de France was introduced in order to stimulate and foster the growth of private philanthropy, bridging connections between private foundations in France with those operating internationally. It was intended to act as an intermediary and catalyst for generosity between private and public sectors. In doing so, the Fondation de France has identified French organisations and institutions with a specialism in one of the following areas: elderly or disabled, the benefit of children, health, medical and scientific research, culture and the environment to act as mediators in the development of these respective areas. Born out of the framework of the Fondation de France the Nouveaux Commanditaires was introduced, bringing together artists, individuals and organisations (commissioners), cultural mediators (art centres, art consultants, museums and galleries), with support from private partners and foundations, in order to facilitate the making of new works of art for out-door, civic and rural spaces with the aim of strengthening patronage in the visual arts while enhancing urban regeneration. Projects are located in various contexts: urban or rural, in health or social institutions, places of worship, schools, public squares or in natural spaces. Support has been drawn from a host of different partners including municipalities, the Ministry of Culture and various other state agencies, private businesses, the General Councils, Regional Councils and associations. The activities of the Nouveaux Commanditaires have also extended to include partners in Italy, Britain, Belgium and Germany. For further details of the Fondation de France or the Nouveaux Commanditaires see respectively: (Fondation de France, "Les Nouveaux Commanditaires", Last accessed: 21.07.2013),(Le Consortium, *Le Consortium Website*, Last accessed: 21.07.2013).

[44]These projects have been managed through Le Consortium's Art and Society department, which has facilitated works by internationally renowned artists such as: Vito Acconci, John Armleder, Shigeru Ban, Patrick Berger, Christian Boltanski, Angela Bulloch, Balthasar Burkhard, Marc Camille Chaimowicz, Marc Couturier, Gloria Friedmann, Liam Gillick, Dominique Gonzalez-Foerster, Peter Halley, Sarah Jones, Vèronique Joumard, Annette Messager, Marc Mimran, Olivier Mosset, Jorge Pardo, Philippe Parreno, Alain Sèchas, Bruno Serralongue, Adelfo Scaranello, Felice Varini, Michel Verjux, Didier Vermeiren, Jacques Vieille, Yan Pei-Ming, Rèmy Zaugg among others. See: (ibid., Last accessed: 21.07.2013).

region have had a strong impact on audiences. By working with local artists, individuals, communities and organisations to commission new works for public spaces, Le Consortium has acted as a mediator, facilitating the making of ambitious works of art by renowned international artists.[45] Several notable examples of commissions by the Nouveaux Commanditaire that received particular acclaim will be discussed later in the chapter. The results of these collaborations have widened access to contemporary artists and their works and promoted greater understanding and appreciation for contemporary art for new audiences. Gautherot discussed the commissioning of art in the context of the Nouveaux Commanditaires:

> "We create the offer, we facilitate a dialogue between the artist, a community and a site... and this is a commission. It is more open, and more free, and more crazy because the artist can come up with anything in the intervention that is specific to a place and it is different each time. We believe that this process facilitates ambitious work."[46]

A particularly notable example of a project that fell within the programme of the Nouveaux Commanditaires, was *Le Carrè Rouge* (1997) (Figure 3.6), a work commissioned by German-born artist, Gloria Friedmann. Friedmann lives and works in France and makes large-scale sculptures and installations. For the commissioned work, *Le Carrè Rouge,* she created a shelter with the visual aesthetic of a monochrome painting. From a distance the work is perceived as two dimensional and its red colouring provides a stark contrast against the surrounding landscape. However, upon closer inspection the viewer realises that the work is in fact a three-dimensional structure with interior brick walls and wooden furniture. The work is located in the department of Haute–Marne–Pays

[45] A central issue that has been the focus of much debate and contention in recent years is the commissioning of contemporary art for public spaces. Public art commissions often initiated by corporate and public sponsorship, have frequently lacked in professional consultation, visual arts expertise or experienced management. This has led to a number of commissions which have placed artists in situations with little organisation or support, resulting in artworks of poor quality and often with little historical value or significance. The Fondation de France, through the activities of the Nouveaux Commanditaire has introduced a model, which has succeeded in filling this gap in the professionalism of public art commissions, by identifying organisations with a high level of experience in the commissioning of contemporary visual art to act as mediators in the processes underpinning the making of new art in the public domain.

[46] Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Langres, in the village of Montroyer Villars (Villars–Santenoge common), near Chatillonnais and is open to the public to visit or to stay the night. It is a public artwork that is located in a rural private space. Friedmann wrote in response to the making of the work:

> "For a long time I had been trying to create a work in the heart of nature, isolated, remote from everything, but which could be reached. After a project which came to nothing in the Alps, at last I've done it!"[47]

Newly commissioned works mediated by Le Consortium through the framework of the Nouveaux Commanditaires are owned by the Fondation de Bourgogne and have become a part of the contemporary cultural heritage held by the region, where they have a permanent legacy for local and foreign audiences. Gautherot outlined the ownership of such works, reporting that:

> "When the commission was under the proceedings of the Nouveaux Commanditaires it makes it easier to define who the owner will be. It is included in the process in a way, when a city, village or an authority are involved and it's a specific demand for a particular site – if it's a site-specific work, the work is attached to that place or site – it is there, it belongs there. But when it is a commission supported by a group of people and the work is not site-specific then it belongs to the foundation, which we don't run but we oversee through the Fondation de Bourgogne, who own the works. And the works are often deposited into our collection, which in turn will be gifted to the museum [the Musee de Beaux-arts, Dijon]."[48]

Through its varied commissioning activities, Le Consortium has maintained a strong commitment to working directly with artists. Distinct from models championed by counterpart organisations in the UK, Europe or the United States, Le Consortium has

[47] See: Gloria Friedman, *Le Carrè Rouge* (1997) in (Nouveaux Commanditaires Website. *Nouveaux Commanditaires: Gloria Friedmann, Red Square*. URL: `http://www.newpatrons.eu/projects/47`, Last accessed: 21.07.2013)

[48] Hanley, "Interview: Franck Gautherot 'Collecting and Commissioning Contemporary Art' (Unpublished)".

extended its remit to include activities outside the general scope of a typical contemporary art centre. By engaging in both the commissioning and collecting of contemporary art as well as undertaking an additional commercial role, Le Consortium has facilitated the sale of artworks in order to generate greater support for artists, which has also helped to reduce the costs of works entering its collection. Through its varied programme of commissioning, Le Consortium has developed a significant collection of contemporary works of art for the city of Dijon. The collection now consists of more than 350 works, most of which were acquired at the beginning of the artists' careers. In a relatively short time, the collection reached such a level of significance that in 1998 (just twenty-one years after the centre opened) Le Consortium was invited to show its whole collection in a retrospective exhibition at the Centre Georges Pompidou in Paris. More recently the collection has received further attention, when it was gifted to the musèe des beaux-arts, Dijon (in 2010) where it will have a permanent legacy for the City of Dijon, the place where the collection was built.[49]

3.1.3 Three Museums Project (3M)

Unlike in France and the UK where culture has historically been primarily supported by public subsidy through public institutions,[50] in the US, cultural institutions fall under the jurisdiction of independent charities (non-profit organisations) where culture is made possible and draws financial support from: private initiatives, donations from corporate sponsors, private donations and through the support of foundations and businesses. This system of private philanthropy for public institutions in 2004 underpinned the introduction of a unique initiative, the Three M Project (3M), a collaboration between three museums of national scope: the Museum of Contemporary Art in Chicago,

[49] While the collection of works amassed between 1977–2010 have been gifted to the City of Dijon, Le Consortium will continue to have access to these works as part of their programme of changing exhibitions. For more information see: (Le Consortium, *Le Consortium Website*, Last accessed: 21.07.2013)

[50] See: Platform: The *Fonds Règional d'Art Contemporain* (FRAC) at (FRAC Website, *Platform: The Fonds Regional d'Art Contemporain*, Last accessed: 21.07.2013)

the New Museum in New York and the Hammer Museum in Los Angeles.[51] The project, which involved the joining of these three major independent arts organisations, was a partnership between the three institutions, and was aimed at commissioning, exhibiting and acquiring major new works by emerging contemporary artists. The collective use of the 'commission-accession' model enabled the three museum partners to share resources and expertise in the co-commissioning of new work, developing new audiences for contemporary art and building the scope of their collections by subsequently co-acquiring the commissioned works. This was acknowledged in a Hammer Museum press release, published in March 2008, by Steffen Boddecker, Communications Director, who wrote:

> "Increasingly, art institutions around the world have been seeing themselves as partners in a new spirit of interdependence that is making this kind of arrangement viable as a model of cooperation."[52]

Between 2004 and 2011, the 3M project facilitated the joint commissioning and presentation of new works by six artists. The project included two commissioning cycles between 2004–2006 and 2008–2011. The first tranche of commissions focused on film and video works by Fiona Tan, Patty Chang and Aernout Mik, each of whom created a new

[51]The definition of a 'national' museum varies between countries and is both related to the status of its legislation and where its funding is derived (for example in the UK national museums are supported by central government provisions). However: "Other museums not so constituted or funded may choose to style themselves in order to reflect a pre-eminent role to which they aspire in the interpretation of a particular subject." In the United States "Alongside the government-supported institutions, there are very active private nonprofit museum, library, and archives, (there are also a small number of for-profit organizations that operate as museums.) A number of these nonprofit collecting units consider themselves to be and are seen by the public as national institutions, because their missions, collections, and audiences are national or international in scope. Examples are the Metropolitan Museum of Art, American Museum of Natural History, and The Henry Ford Museum. Others include the National Museum of Women in the Arts, the National D-Day Museum, and the Japanese American National Museum. These museums receive no direct federal funding, but like most US museums, they are eligible for grants from four independent federal government agencies. These are the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), the Institute of Museum and Library Services (IMLS), and the National Science Foundation (NSF). In addition, insofar as they are funded through contributions that are tax deductible, the nation is investing in these museums by forgoing tax revenue." See: (Smithsonian Museums and Galleries. "Smithsonian Website". In: [2012]. URL: `http://www.si.edu/`, Last accessed: 21.07.2013).

[52]The Hammer Museum. *Press Release: Three Leading Art Museums Form the "Three M Project"*. 2008. URL: `http://hammer.ucla.edu/press%20release%202008%20newworks.html`, Last accessed: 21.07.2013.

video installation. The resulting works were Fiona Tan's *Correction* (2004) (Figure 3.7), which was made up of a series of still and moving images of prison inmates that were represented as a video portrait, Patty Chang's *Shangri-La* (2005), which included a forty minute video piece, which was accompanied by several sculptural works and Aernout Mik's *Refraction* (2005) (Figure 3.8), a thirty-minute-long film based on a highway accident in the Romanian countryside. The works were shown collectively at each of the three museum venues between 2004 and 2006.

The second cycle of commissions were awarded to artists Daria Martin, Jeremy Deller, Urban China and Mathias Poledna and included installation, sculpture, wall graphics, film and video and fine art photography. Daria Martin's 16 mm film *Minotaur* (2008) and Mathias Poledna's 35 mm film *Crystal Palace* (2006) were shown along side Jeremy Deller's 'It Is What It Is: Conversations about Iraq' (2009) and Urban China's *Informal Cities* (2009), both multi-faceted installation works.

The 3M model is particularly innovative both because it was one of the first projects of its kind in the US and also because it used co-commissioning as a model both to present new works to different audiences across the country, as well as a strategy to co-acquire ambitious contemporary art by international artists. The uniqueness of the 3M model and its use of the 'commission-accession' principle as a strategy for collecting was discussed in a 2008 article in the *Museums Journal*, by Tina Fiske, then Research Associate for the National Collecting Scheme Scotland, who wrote:

> "What is particularly innovative about the Three M Project is its 'commission-accession' principle. With the first three commissions - all video installations - each of the partners had the right to own a version of the resulting works."[53]

[53]Tina Fiske. "Why co-commissioning and acquisition should go hand-in-hand". In: *Museums Journal* (2008), p. 15.

While purchases were not fixed at the time of the commission, all three of the co-commissioned works from the first cycle of the project were jointly acquired by the participating museums, the acquisitions included: Fiona Tan's *Correction* (2004), Aernout Mik's *Refraction* (2005) and Patty Chang's *Shangri-La* (2005). There have also been acquisitions from the second cycle of commissions, which included acquisitions by all of the participating artists. The joint commissioning and acquisition of these works enabled the three museum partners the chance to share the resources and the costs associated with the production and acquisition of the works. This was another benefit of the 3M project that was highlighted by Fiske, who noted that, "with two of the works there was no additional cost, above the artist's agreed commission fee, and where one of the works exceeded its initial budget, the three institutions shared the added cost."[54] This was underpinned by Ali Subotnick, Curator of Contemporary Art at the Hammer Museum, who in an interview remarked that:

> "Generally speaking, all three museums purchase the work. The work is shared equally as are the initial costs for the purchase, the costs of storage and maintenance as well as any additional practicalities associated with the commissions such as publications. The works purchased will be rotated between the museums involved. The costs of insurance will also be shared. Similar to works which enter the collection as 'promise gifts', it is a little tricky to decide who gets to exhibit the work when and for how long, but it is a shared process. This is a very good opportunity for all of the museums involved, it provides the chance to obtain works that would normally be out of the museum's reach. It also alleviates competition if two or more museums are competing for the same work."[55]

In this sense the 3M project implemented a model which simultaneously created new opportunities for collaboration, shared vision and expertise, while reducing museum costs, building the scope of public art collections in the US and creating greater opportunities for audiences throughout the country to engage with emerging contemporary art

[54]Fiske, "Why co-commissioning and acquisition should go hand-in-hand".

[55]Bo Hanley. "Interview: Ali Subotnick 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: The Armand Hammer Museum 10899 Wilshire Blvd Los Angeles, California. 2008.

by international artists not yet well known in the US. It also demonstrates how cooperation by way of strategic commissioning can reduce competition between museums and galleries for the same work. The then museum directors, Robert Fitzpatrick, Director at the MCA Chicago; Lisa Phillips and Henry Luce III Directors at the New Museum; and Ann Philbin, Director of the Hammer Museum, in a 2008 press release commented on their motivations for the project, stating that:

> "Each of our institutions shares a cooperative vision and entrepreneurial spirit that makes working together a natural fit with our shared mission to support new work by emerging international artists. Given the realities of the current economic climate, it is incumbent upon arts institutions to make initiatives that maximise our resources in new and creative ways. This kind of collaboration will enable important works to be produced and shown across the country, giving the artist the widest exposure to a broad national audience."[56]

While there are numerous examples of museums and galleries joining together to share resources and funds by co-acquiring contemporary works of art, co-commissioning projects that join commissioning with collecting have until recently been much more rare in the context of public museums and galleries. In the US, in particular the co-acquisition of contemporary art has become an increasingly widespread practice for museums, a notable recent example of this was the joint acquisition of Joan Jonas' *The Shape, the Scent, the Feel of Things* (2004–2005) and Eija-Liisa Ahtila's *The Hour of Prayer* (2005), both film and video works, which were jointly acquired in 2007 by UC Berkley Art Museum (BAM) in partnership with the Pacific Film Archive (PFA) and the Museum of Contemporary Art San Diego (MCASD). While the joint purchase of these works

[56]The Hammer Museum, *Press Release: Three Leading Art Museums Form the "Three M Project"*, Last accessed: 21.07.2013.

were not preceeded by a commission by the museums,[57] the co-acquisition of the work demonstrates the benefits offered by partnership approaches to the acquisition of new works, which have, in particular, helped to reduce the costs of collecting contemporary art especially in the way of film and video. These acquisitions consisted of large-scale film and video installations by artists whose works are highly sought after by museums and collectors internationally. In a joint statement Kevin Consey, Director of BAM/PFA and Hugh Davies, Director of MCASD stated:

> "We are extremely pleased to announce this successful partnership. As the international contemporary market continues to flourish, this unusual joint acquisition marks an increasingly important trend for small and medium-size institutions seeking to add works by leading artists to their collections. It also demonstrates how in a competitive field, collaborations can offer museums an innovative opportunity for growth."[58]

It is perhaps the success of co-acquisitions as a means of developing contemporary art collections that has led to further iterations on the partnership model, which now includes by extension the commissioning dimension. It is in this sense that the 3M model is particularly ambitious as it has facilitated a spirit of collaboration, which extend to every level of the project by co-commissioning, co-presenting and co-acquiring contemporary works of art. The success of the project has spurred similar projects internationally such as the very recent *3 Series; 3 artists; 3 spaces; 3 years*, an initiative developed in 2009 involving three British contemporary art galleries the details of which are outlined later on in this chapter.

[57] *The Shape, the Scent, the Feel of Things* was originally exhibited in 2004 at the Renaissance Society at the University of Chicago and Galerie Yvon Lambert in Paris. The first installation of the work comprised of multiple video projections and a number of props. Jonas developed the work further the following year, adding live performances with music composed by jazz musician Jason Moran, which was commissioned by and performed at DIA: Beacon in 2005 and 2006. The film now includes video footage of the live performance at Beacon. For further details and exhibitions history see: (DIA Website. "Joan Jonas: The Shape, the Scent, the Feel of Things". In: *DIA Art Foundation Website* [2006]. URL: `http://www.diaart.org/programs/main/14`, Last accessed: 21.07.2013)

[58] Jonathan L. Knapp. "Press Release: BAM/PFA Acquires Two Video Works in Partnership with MCASD". in: (2007). URL: `http://www.bampfa.berkeley.edu/press/release/TXT0167`, Last accessed: 21.07.2013.

The scale of the commissions and the collaborative approach applied to the 'commission-accession' model, made the project particularly ambitious, but another novel aspect of the 3M consortium was its focus on supporting artists whose works were yet to receive significant recognition or to be shown in the US. Artist, Daria Martin reported that:

> "My films are usually funded through grants and museums or gallery commissions, [...] sometimes with a small infusion of gallery money." She always has to piece together the support from various sources. On this occasion, it was all made much easier. "In my experience, the three in one package of commissioning, exhibition, and collecting that the Three M project represents is unique."[59]

The success of these commissions is not only visible in the improved scope of the collections of the three participating museums, but also in the growing publicity around the commissioned artists and their works. The commissions have created significant exposure around the artists' works through consecutive exhibitions at each of the three institutions, which have drawn in local, national and international audiences. Many of the commissioned artists now have works represented in international art collections, including the very recent acquisition of Fiona Tan's *Disorient* (2009) purchased by the Gallery of Modern Art Glasgow in 2010 as part of the Art Fund International scheme.

The project has been primarily supported by the Deutsche Bank Americas Foundation as well as a number of other project specific funders, which has been a key part of the sustainability of the 3M model. Alessandra DiGiusto, the Foundation's Chief Administrative Officer, said:

> "The Foundation is excited about supporting this new model. It increases awareness of these very talented artists and helps the museums build their contemporary art collections. We feel that the arts play a vital role in building vibrant communities and this commitment is becoming increasingly important in these economic times."[60]

[59] Morgan Falconer. "Three in one: American museums unite for a groundbreaking project". In: *Art Magazine* (2011). URL: `http://db-artmag.de/en/53/feature/three-american-museums-unite-for-a-groundbreaking-exhibition-pro/`, Last accessed: 21.07.2013.

[60] Ibid.

The 3M project is expected to be on-going as it has been viewed as a success by both the museums involved and their funders, however, the way in which the project will be taken forward is not yet clear. According to a New Museum press release, "The Three M Project, will continue to commission, exhibit and acquire contemporary art by artists whose work has not yet received significant recognition in the United States."[61] New innovative initiatives, which focus on the commissioning of new work from artists have proliferated in recent years as a result of flagship projects like 3M. Commissions now include a range of different practices, which have begun to join the commissioning of contemporary art with collecting, supporting artists while opening up new possibilities for sustainable collecting. The previous high-profile examples of 'commission-accession' practices have drawn wide-spread attention from museums and galleries further afield, in particular, spawning similar projects in the UK, where previously, strategic commissioning for the purpose of collecting, has been relatively scarce. Three very recent UK projects, which have married commissioning and collecting in order to facilitate the making and acquisition of new works of art by public art collections are outlined in the following section. These recent approaches further demonstrate the many art commissioning models of currently in use.

3.2 UK Models

So far in this chapter, I have introduced a range of examples of commissioning practices recently undertaken by arts organisations in European and North American contexts. I now turn to an investigation of UK museums and galleries, introducing a number of very recent examples of commissions, which have helped to build upon the scope of, in particular, municipal art collections.

[61] Ken Johnson. "From China, Iraq and Beyond, but Is It Art?" In: *The New York Times (Online)* (2009), p. 28. URL: `http://www.nytimes.com/2009/02/20/arts/design/20new.html`, Last accessed: 21.07.2013.

At the core of this thesis is an examination of, in particular, commissions undertaken by municipal museums and galleries in the UK, which vary considerably in size, focus, budget and jurisdiction from other arts organisations and institutions and in particular from national museums and galleries.[62] However, despite the variability of their programmes, a common feature that defines municipal museums and galleries in the UK is that they tend to be heavily reliant on local council funding to support their core functioning and programmes. As they tend to have relatively limited resources to put toward new commissions and acquisitions, municipal museums and galleries in the UK have historically been more inhibited in their collecting of contemporary art when compared to counterpart institutions in Europe and North America and even in relation to national museums and galleries in the UK. Sara Selwood drew attention to this disparity in her 2008 report for Arts Council England, where she described the UK visual arts sector as:

> "[R]eplete with paradoxes as brilliantly successful and beleaguered; divided by some organisations in possession of collections, others without; as associated with different funding regimes; and as having been subject to central government's respective generosity and relative neglect, which manifest in its relative wealth and impoverishment."[63]

While recently this has begun to change as collecting and non-collecting organisations have begun to team up and pool resources to both commission and acquire new works, there are still significant disparities between municipal art collections and national museums with regard to contemporary art collecting. This is particularly pronounced in institutions where institutional budgets are ring-fenced in order to cover the separate costs of different departments, making it difficult for exhibitions and collecting departments to work together and to increase their efficiency by linking collecting with exhibitions programmes. While the length of this thesis does not allow for a detailed

[62]For detailed accounts of distinctions in the organisation and governance of different kinds of museums and galleries in Europe and internationally, see respectively: (White, *Art Museums: The European Experience*), (Lorente, *Cathedrals of Urban Modernity*).

[63]Sarah Selwood. *Towards developing a strategy for contemporary visual arts collections in the English regions.* Tech. rep. Arts Council England, 2008, pp. 7–8.

discussion of budgetary issues affecting public museums and galleries, it is important to mention that fluctuations in budgets for municipal museums and galleries do have a strong impact on the commissioning and collecting of new works of art.[64] The size and public profile of many municipal art museums compared to national counterparts also places them at a disadvantage when it comes to opportunities to develop or enhance private giving and bequests to their institutions or to open up sustainable opportunities for investment through fundraising, friends organisations or philanthropic donation, all of which could help to support new acquisitions. However, this is an area where commissioning could be particularly beneficial, since, write Buck and McClean: "Commissioning [...] is an effective way for a company to raise its cultural profile."[65] Commissions can also help to strengthen an organisations reputation. They can also alleviate competition for works by particular artists, both significant benefits for municipal museums and galleries which often lack the prestige and economic power of national art museums.

Despite these challenges, which stem primarily from the on-going need for greater funding support, municipal museums and galleries in the UK have found their strengths in other areas. They are often well-equipped with comprehensive and skilled education, conservation, exhibitions and loans departments, which place them in a strong position to commission, present, collect and care for contemporary art.[66] These can act as a particularly important resource for artists in the development of their work, offering a strong foundation of support for the commissioning of new work. In addition, municipal museums and galleries make up the majority of public art venues in the UK and in doing so are of key importance in providing the general public with access to contemporary art.

Therefore, as a result of the context in which municipal museums and galleries in the UK currently operate, the commissioning of contemporary art offers great potential

[64]For an in-depth look at the issues pertaining to public museums and their engagement with collecting contemporary works of art see: (Altshuler, *Collecting the New: Museums and Contemporary Art*)

[65]Buck, *New funding model behind the British pavilion*, p. 133., Last accessed: 21/06/2013.

[66]Fiske and Hanley, "Summary notes: Contemporary Collections and Collecting in Scotland series 'Perspectives on European Collections'".

as a strategy for exhibiting and collecting emerging contemporary art, and particularly where there is the desire to work collaboratively, commissions have very recently shown promise as a cost-effective approach to collecting contemporary art (e.g.: when public museums and galleries pool resources to co-commission and acquire new works). This can also help to eliminate competition where more than one museum is interested in acquiring the same work.

Newly established recoupment policies for commissioned works have also helped public museums and galleries to recover funds used in the production of newly commissioned works so that they can be put toward future projects. While private arts organisations and foundations have tended to write-off production costs for works they commission, it has become increasingly common for public arts organisations to recoup some of the production costs they invested if a work is sold on to another individual or organisation subsequent to the commission.[67] This has become standard practice for many public and not-for-profit institutions. In particular, the Whitney Museum, Tate, Walker Art Gallery, the New Museum New York and Performa have all adopted recoupment policies into their programmes. Buck and McClean claim that: "This helps to make public and not-for-profit organizations financially sustainable, particularly in a climate where there are cuts to public funding."[68]

A recent example of a successful collaboration between an artist, a commercial gallery and a public art collection where recoupment was used effectively was the commissioning of three large-scale sculptural works by Conrad Shawcross for his 2005 exhibition, 'The Steady States' by the New Art Gallery, Walsall. The recoupment agreement outlined that the production costs for each of the three works could be recouped if sold subsequent to the exhibition, the total production costs were to be divided evenly across

[67]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*.
[68]Ibid., p. 299.

each of the three works so that a proportion of the sale proceeds for each individual work would be returned to the institution after each subsequent sale.[69,70]

Several other examples of commissions very recently undertaken by municipal museums and galleries in the UK that have drawn new audiences to contemporary art, created greater cohesion and shared knowledge across the sector and raised the profile of both public museums and galleries and artists will follow. These examples also reveal, however, some of the challenges and difficulties associated with museum and gallery commissions.

3.2.1 The National Collecting Scheme Scotland

The National Collecting Scheme Scotland (NCSS) is an initiative of the Scottish Arts Council (SAC) (now Creative Scotland).[71] It was developed and administered by the Contemporary Art Society in order to support public art collections in Scotland by assisting them to commission, present and acquire contemporary visual art. Initiated in

[69]It bears mention, however, that the recent recoupment agenda has helped public museums and galleries to recycle funds, used to commission new works, back into their collections. However, despite this there have been a number of examples where recoupment policies have become difficult to manage and by consequence have failed. One case in point was the commissioning of a work by artist, Chris Burden by the Baltic Centre for Contemporary Arts, Gateshead for its 2002 inaugural exhibition. Burden created a large-scale Meccano sculpture of the Tyne Bridge, the cost of which was reported at £140,000 (including the cost of production, the shipping of the work and the artist's fee). The commission took place without a commissioning agreement in place, however, the following year the work was sold by the artist's dealer (Gagosian Gallery) to the Pinault Collection for £400,000 at which time Baltic did not receive any share in the proceeds of the sale. As the time-frame of recoupment agreements vary extensively, ranging from a two-year duration such as is true in the case of works commissioned by Situations in Bristol, to those that are fixed indefinitely, like at the New Art Gallery, Walsall, this can make monitoring subsequent sales of works difficult to manage. Consequently, even when there is a formal agreement in place recoupment policies are not always successful.

[70]For further examples of the recoupment of funds following a commission, see: (Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*).

[71]The Scottish Arts Council was formerly an executive non-departmental public body (NDPB) and was one of the main sources of government funding for the arts in Scotland. In 2009 the Scottish Arts Council was rebranded, forming a new company, Creative Scotland Ltd, which was established under the directorship of the newly appointed Chair, Ewan Brown. This was a result of changes in legislation under the Public Service Reform Bill. Creative Scotland then became the new lead body for arts and Scottish screen industries. In doing so, it replaced the Scottish Arts Council and Scottish Screen. For further details see: (Creative Scotland Website. 2013. URL: `http://www.creativescotland.com/`, Last accessed: 06/07/2013).

2003, NCSS is the Scottish equivalent to England's Special Collection Scheme (SCS)[72] and similarly received subsidy from the National Lottery, which it acquires through the SAC. It also draws support from its seven member museums with assistance from the Contemporary Art Society (CAS).

The NCSS was set up in order to develop the scope of public collections in Scotland, to build new audiences for contemporary visual art and to engage and work more closely with living artists. Originally made up of six museum and gallery partners, including the: Aberdeen Art Gallery and Museums, Aberdeen; City Art Centre, Edinburgh; Hunterian Art Gallery, Glasgow; Paisley Museum and Art Galleries, Paisley; The Pier Arts Centre, Orkney; McManus Galleries, Dundee, the NCSS was later joined in 2007 by a seventh partner, the Gallery of Modern Art, Glasgow. The scheme provided a much-needed boost in funding for acquisitions of contemporary fine and applied art by non-national museums in Scotland.

To date the NCSS has witnessed two major funding cycles, 2003–2006 and 2007–2010. In its first phase 2003–2006, the NCSS supported the acquisition of 122 works by the six original museum partners in which works by internationally acclaimed artists such as: Sophy Ricketts, Mat Colishaw, Mark Dion, Toby Paterson, Rosalind Nashashibi, Wolfgang Tillmans, Camilla Løw, Kenny Hunter, Julian Opie, Anya Gallaccio and Jonathan Owens were acquired. The scheme was launched initially for a three-year fixed term in 2003, drawing £350,000 of National Lottery investment through the SAC. It was developed with a view to supporting the acquisition of contemporary visual art, craft and design.[73] A novel feature of the NCSS that distinguished it from the SCS was

[72]The Special Collection Scheme (SCS) was initiated by the Contemporary Art Society (CAS) in 1998 with support from the National Lottery. The Scheme, which ran for seven years (1998–2005), was introduced in order to support regional museums and galleries in England to collect contemporary works of art and to support curatorial development by enhancing opportunities for research and travel. In total, the SCS enabled 15 museums and galleries to acquire 610 works of fine art and craft by 313 different artists. The total purchase value of which was approximately £3 million.

[73]See: University of Glasgow in partnership with the National Collecting Scheme Scotland at: (University of Glasgow and the National Collecting Scheme Scotland. *National Collecting Scheme Scotland*. 2013. URL: `http://www.gla.ac.uk/schools/cca/research/instituteofarthistory/projectsandnetworks/nationalcollectingschemescotland/contemporarycollectionsandcollectinginscotland/`, Last accessed: 21.07.2013).

the joint commissioning and acquisition of an ambitious new work by Glasgow-based artists, Joanne Tatham and Tom O'Sullivan, which with additional National Lottery funding from the SAC, was the first of its kind in the UK and will be the focus of this section.

The second phase involved acquisitions of eighteen further works between 2007–2008 and was followed by a period of review (2009–2010) whereby the SAC developed an additional partnership with the History of Art Department at the University of Glasgow. This was designed to stimulate further debate and to support curatorial research and travel as well as to support acquisitions of contemporary art by the NCSS partners. This alliance with the University of Glasgow has continued onwards from 2011.[74]

The use of the 'commission-accession' model, which facilitated the making of Tatham and O'Sullivan's *Rhetoric Works & Vanity Works & Other Works* (2006) (Figure 3.9 and Figure 3.10), was a particularly innovative aspect of the NCSS partnership. The commission was the first of its kind in the UK and initiated a new approach to collecting contemporary art by linking commissioning with collecting. What was particularly ambitious about the project, beyond its use of the 'commission-accession' principle, is that it brought together six museums, each with its own distinct collection and programme to commission and jointly acquire a major new work at a time when there were very few other examples of co-commissioning in the context of UK museums and galleries. Mungo Campbell, Director of the Hunterian Museum and Art Gallery reported that:

> "One of the really remarkable things when you analyse it all, which makes the Scottish Collecting Scheme different than the Special Collections Scheme in England was that right from the beginning we had this optimistic [...] view that this was a national collecting scheme for Scotland and that we had to try to put together a collection that was, in a sense, a continuation of the old CAS distribution scheme. And while we would be the individual owners and

[74]For further details of the second phase of the NCSS see: NCSS Meeting Minutes, September 2007 at: (University of Glasgow and the National Collecting Scheme Scotland. "NCSS Meeting Minutes". In: *University of Glasgow Website* [2007]. URL: `http://www.gla.ac.uk/media/media\_135543\_en.pdf`, Last accessed: 21.07.2013)

> holders of all of that, it was a collection. We were not thinking well you have got that, you haven't got that, it was a broad collection of contemporary art that would be held in common [...] And if you are going to do that [...] actually a commission is the ultimate extension and proof you've got that to work, which would bond it all together."[75]

The NCSS commission of *Rhetoric Works & Vanity Works & Other Works* resulted in a series of large-scale mixed-media sculptural works comprised of American Walnut, Mahogany, Maple and Plywood, painted with gloss paint and mixed polish marble and granite. It is a single work made up of eight discrete parts, which are "relational" and involves the presentation of seven art objects and a copy of a book documenting the presentation of the work as it was first exhibited at Newhailes. The work has been formally documented by the NCSS partnership for the purpose of presentation and installation as an "artwork-as-exhibition" in which all of the constituent parts of the work are intended to function "with, through, or against their context of display".[76]

Rhetoric Works & Vanity Works & Other Works was formally accessioned into the collection of The Hunterian Museum and Art Gallery at the University of Glasgow, where it is currently held on behalf of the five other original NCSS partners and is otherwise shared across the six partner museums. While the work is available to travel between the six partner museums another unique aspect of the commission was that rather than touring between the six venues (such as is the case with a touring exhibition) the work was originally exhibited at a neutral location that was selected by the artists. *Rhetoric Works & Vanity Works & Other Works* was originally shown at Newhailes House between October and November of 2006. Newhailes is a seventeenth century historic house owned by the National Trust for Scotland located approximately five miles east of Edinburgh. This meant that while the work was jointly commissioned

[75]Hanley, "Interview: Mungo Campbell 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[76]See: (Joanne Tatham Tina Fiske in association with Mungo Campbell and Tom O'Sullivan. *Notes pertaining to the presentation, installation and care of 'Rhetoric Works & Vanity Works & Other Works', 2006.* National Collecting Scheme Scotland, 2010).

and acquired by the original six NCSS partners, the work did not respond to any one collection specifically, offering the artists the chance to make a new work in a completely non-prescriptive environment and to respond to the broader context of Scotland. This was part of the NCSS's desire to work with Tatham and O'Sullivan to commission a new work. Tatham described this as well as the idea for the project, noting that:

Rhetoric Works & Vanity Works & Other Works was subsequently exhibited at the Hunterian Museum and Art Gallery in 2007, however, as I will explain later, to date the work has not been shown by any of the other five partner museums. Here we find a disparity between the theoretical benefits of collaborative projects and the practical challenges associated with co-commissioning and co-ownership of new works. This was underpinned by Louise Govier in an MLA report where she discussed the possibilities of 'co-creative' partnerships between museums and audiences, arguing that while beneficial in many ways, "co-creation is also an area of museum work that is fraught with practical and philosophical difficulties, and one where achievements in reality may fall short of ideals."[77]

While in general the co-commissioning and co-acquisition of *Rhetoric Works & Vanity Works & Other Works* can be viewed as an ambitious step for municipal museums and galleries in Scotland and in particular demonstrates the growing interest in the use of commissioning as a strategy for collecting ambitious and challenging works of art, it is also indicative that partnership models for collecting and commissioning new works are not without their issues and successful commissions require flexibility, cooperation, shared vision, motivation, foresight and commitment at all stages of their development.

An important part of partnership work in museums and galleries is accountability, particularly in the case of newly commissioned works of art. It is important that museums and galleries are aware of the practical and theoretical issues involved in commissioning before engaging in a partnership project. This issue was underpinned by

[77] Govier, *Leaders in co-creation? Why and how museums could develop their co-creative practice with the public, building on ideas from the performing arts and other non-museum organisations*, p. 5., Last accessed: 21/06/2013.

Bernadette Lynch in an article for the *Museums Journal* who noted that there is a need for "clearer definitions, commitment, and most importantly, leadership, when developing a sustainable practice of commissioning partnerships."[78]

In the case of the NCSS commission of *Rhetoric Works & Vanity Works & Other Works*, first hand accounts from the curators, directors and the artists participating in the project as well as primary source information documenting the NCSS partnership has revealed that the commission was primarily led by the, then, core management of the CAS and SAC, including: Gill Hedley, Director of the CAS; Amanda Catto, Visual Arts Director of the SAC and Wendy Law, SAC Visual Arts Officer, rather than the respective museum partners. Because the driving force behind the NCSS commission was led by the CAS and SAC administrators rather than a curatorial consortium from the six partner museums the museums remained relatively detached from the commission. The curatorial consortium was relatively disparate and consequently the staff of the six partner museums remained largely peripheral to the commissioning of the work and most of them had little if any direct contact with the artists during the commissioning process. The result was that once the work was completed (and presented at Newhailes), there was a lack of accountability and commitment from the museums as to how the work was to be shared and cared for over the long-term, including the shipping and reinstallation of the work at the different museum sites. Mungo Campbell reported that:

> "The NCSS partners were happy because it was more money to spend on art. The problem was no one articulated whose responsibility it was or would be after the commission and the work was complete."[79]

From this statement it can be inferred that the lack of involvement by the museums in the commissioning of the work culminated in a failure to articulate a schedule or to organise appropriate funding to allow the work to travel or to be shown by the participating museums after the work was acquired. In a sense, the commission seems

[78] Bernadette Lynch. "Toward a new museum model". In: *Museums Journal* (2007), p. 19, p. 19.

[79] Hanley, "Interview: Mungo Campbell 'Collecting and Commissioning Contemporary Art' (Unpublished)".

to have survived on the creative thrust of the artists and because of the dedication of the CAS and SAC staff who headed the project, rather than the input and commitment of the six partner museums.

While the intended outcome of the co-commissioning arrangement was conceived on the basis of a joint commission by the six original NCSS partners, in reality the work was commissioned primarily by the arts professionals at the CAS and the SAC, who worked with the artists to facilitate the production and development of the work. In doing so, however, the project failed to achieve some of its original objectives, as the commission was premised on a collaboration between the six NCSS partners and their willingness to work together "to jointly commission and acquire a challenging and ambitious new work for Scotland."[80] This can now be interpreted as a weakness in the organisation of the commission, as due to the minimal level of involvement from the NCSS partners during the development of the work there was a lack of curatorial voice from the museum partners to support the artists and to guide the commission. This was reflected both in the outcome of the work as well as in the organisation of how the work, once complete, would travel between the six partner museums or be cared for over the long-term. Due to this, the benefits of the co-commissioning and joint-ownership of the work were significantly reduced.

There were other challenges that impacted the commission. In particular, the large number of individuals and organisations involved in the project meant that there was not one primary individual from the museum collective who was accountable for managing the project. This, on the one hand, made the project more open and allowed the artists a high level of autonomy and creative freedom in the production of the work, however, it also meant that there was not one single individual to manage the project and to support the artists during its development. There were a number of reasons for this, the primary of which was that the CAS was in an economically fragile state at the time of the commission (2005–2006), which resulted in key staff members

[80]Scottish Arts Council. "Commissioning Brief: National Collecting Scheme Scotland for Joanne Tatham and Tom O'Sullivan, (supplied by the artists)". 2004.

leaving the organisation, including: Mary Doyle, Head of the Special Collections Scheme and Wynne Waring, the Membership and Events Manager, who consecutively left the organisation in 2006 and subsequently the Director of CAS, Gill Hedley's resignation the following year. As the CAS played a central part in the management of the NCSS at the time and occupied a lead role in steering the commission, with additional support from the SAC, the changes in key staff positions that took place while the commission was midway-through its development, had a substantial impact on the consistency of meetings and the support offered to the artists. In short, these circumstances created a lack of accountability during the project and as a consequence there was a lack of support and guidance afforded to the artists during the commission. When asked about whether these issues presented challenges for the artists, O'Sullivan reported that:

> "Yes [they did]. Looking back on it I think we did bite off more than we could chew in a way. It was a new commission and there were six institutions and the Contemporary Art Society and just as we got going with the commission the Contemporary Art Society went into this free fall and Gill Hedley left and there was a certain point where we realised if we don't grab this project by the reigns and follow it all the way through then it won't happen."[81]

O'Sullivan's comment draws attention to one of the potential risks artists face when entering into a commissioning process. This exposes yet another risk involved in commissioning, how unexpected political changes in an art institution can impact a project. While this can affect arts institutions it presents an even greater risk to an artist, an issue I will return to in Chapter Four. In accepting a commission for a new work, artists are entering into a dependent creative process where they are reliant on the individuals and institutions commissioning them, both to provide access to necessary support and the agreed upon resources needed to create their work. Whether a commission involves written documentation or not the artist and the commissioner are bound to one another by a verbal contract to fulfill their contractual obligations,

[81]Hanley, "Interview: Joanne Tatham and Tom O'Sullivan 'Collecting and Commissioning Contemporary Art' (Unpublished)".

otherwise they are liable.[82] However, the possibility that unexpected circumstances or changes, especially in a long-term project, could breach the trust between commissioners and artists is another risk that both parties accept in a commission. Such events do occur even when there is a formal contract in place for a commission, which poses a substantial risk to the artist, who, as was true of Tatham and O'Sullivan, is likely to have already invested a huge amount of time and resources in the development of the work. Political and economic changes can impact the commitment and accountability as well as the organisation of a project (such as was the case with the NCSS commission), changes in the scope or financing of a project once a work is already underway or further demands being placed on the artist outwith the original agreement that prevent him or her from working are also a considerable risk to the artist. I will briefly outline two very recent examples that involved changes to a project, which were not communicated in the artist's contract or agreement. The first case was for the commissioning of *I'm Lost Without Your Rhythm* (2009) (Figure 3.11), part of the *3 Series: 3 artists; 3 spaces; 3 years.*, a partnership between Modern Art Oxford, Arnolfini, Bristol and Camden Arts Centre, London, which joined three non-collecting organisations with museums in order to bring emerging contemporary visual art to different audiences across the UK. The commissioning model for the 3 Series will be discussed in greater detail in the following section.

The programme for the 3 Series involved commissioning three artists to make new work over a three year period and each of the commissioned works was shown at all three arts organisations (in some cases along side other existing works by the artists). Subsequent to the commissioning and exhibition of the work, an element of each work was gifted to a public museum or gallery in the region, introduced a collecting dimension to the project. In the case of Billing's commission, it was agreed in the contract that the three commissioning organisations would support the production, travel and installation of her work and she would receive a commissioning fee of £5,000 for making the work.

[82]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21.07.2013.

However, in the end, there were a number of additional demands placed on Billing outside of the contract, which did not involve any additional payment, thus demonstrating a breach in trust. Billing commented on this arguing that:

> "[With] the 3 Series project, [I am evaluating] the potential for risk and the potential for gain. In the contract, [the fee] was for making new work. The fee was around £5,000. So for me that was a reasonable fee but it was a long project over one and a half years [...]. However, on top of that, then I was supposed to install all of these shows without any fee and when I signed the contract it was not said whether I would show just the new work or make bigger shows... and then the way it developed [...] it became a show with seven large-scale installations. It took tons of planning and I spent a week at Camden installing the work. And here in Oxford as well. It is a huge show and it took me another week to install it and I don't get any fee for that. And also, they want me to produce this 'You Don't Love Me Yet' [live music] event (the live event which I am here for now was not in the contract), which already took place in Bristol and now here in Oxford and I am here for this event and they are paying for the flight and my accommodation, but I don't get any fee for this either. Actually, now that I am here I am beginning to think that the way things have developed I think this is really not right."[83]

Billing's comment reveals the vulnerability of the artist to further demands placed on an artist outwith a commissioning contract, such as requests for additional work, can disadvantage the artist, demonstrating the potential risks that artist's can incur by accepting a commission. Another breach in trust that had negative consequences for the artist and for the commissioned work was a commission for a new artwork by Toby Paterson for the Civic Centre in Ashford, Kent in 2005. Paterson discussed the project, noting that:

> "I have a pragmatic approach and I expect a certain amount of change as a result [however] there was one commission that went [wrong] that I'll talk about briefly [...] It was a project in Ashford, Kent. In a centre attached to the Civic Centre there and the lead artist, David Cotteral, got me involved. I initially thought it would be quite a straightforward project, but the goal

[83]Bo Hanley. "Interview: Johanna Billing 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: Modern Art Oxford, 30 Pembroke Street, Oxford, Conference Room A. 2010.

> posts kept moving [...] It was something I should just not have gotten involved with, but because it was through David I couldn't really have backed out [...]. There must have been about five different stages of proposals. At the end I had been paid a little bit of money and I was due a really pathetic sum of money. It was a nightmare. The location kept shifting. It was a horrible building and I got to a point where I was just thinking, I don't want to do this! There was maybe a couple thousand pounds in the budget [...]. That was a terrible experience to the extent that I've never actually seen the final work. It was the first and only time I just stopped caring about the integrity of a piece of work. I just wanted to get it up and get paid. It was really bad! I learned a lot there but that was a symptom of previously being treated quite well, not knowing how lucky I was, and being too trusting."[84]

Both Paterson and Billings' remarks highlight the potential risks that a commission can present for an artist. In both cases it is clear that the artist was in fact too trusting, to his or her detriment. The risks can exceed strictly financial losses or impacts on the artist's reputation, but more crucially can threaten the integrity of his or her work as well as affecting the artist's willingness to take part in future projects. Breakdowns in cooperation and trust can also harm relationships between commissioners and artists. This is a legitimate risk that both commissioners and artists must consider when entering into a commission.

In this context, where the artist is dependent on institutional support in order to see a project through to completion, any change in the initial agreement, which compromises the artist's creative freedom, authorship or investment, can impact the outcome of the commissioned work.[85] Since "creative freedom is an inherent attribute of artistic activity, without it the artist cannot deploy his intellectual faculties, express

[84]Bo Hanley. "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: The artist's private residence, Glasgow. 2010.

[85]While the creative freedom of the artist is not an obligatory part of a commission and does not appear in most contracts for commissioned works, it is understood as inherent to the intellectual and creative expression of the artist. This was underscored by Touboul, who asserts that artistic freedom is not an attribute of moral law and as such is not expressly defined in the Code of Intellectual Property. (Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", p. 6–7., Last accessed: 21/06/2013).

his art and make creative work."[86,87] While institutions can also succumb to losses as a consequence of poor cooperation or breakdowns in trust in a commissioned project (such as if the artist does not deliver and maintain his or her commitment, the work is defective or does not meet the expectations of the commissioner), the impacts that breakdowns in the commissioner-artist relationship or changes outside a contract can have on the creative freedom of the artist (and subsequently on his or her work) make artists particularly vulnerable in a commissioning process. I will return to this issue in the following chapter.

Returning now to the NCSS commission. While the joint commission and acquisition of *Rhetoric Works & Vanity Works & Other Works* highlights particular difficulties associated with partnership projects and the co-ownership of contemporary art, despite these the commission did still facilitate the making of a successful new work by two major Scottish artists. The NCSS commission sheds light on some of the potential risks associated with commissioning and collecting as of yet unmade artworks. Tatham and O'Sullivan had been selected for the NCSS commission, in part, because of the ephemeral and performative aspect of their artistic practice, which was an ideal fit for a joint commission involving several museum partners. Joanne Tatham reported that:

> "The event-based work that we were making did not fit a museum context. Our original idea was that they [the museums] would own the rights to the event, but the legacy would be a document or an element from the work. The NCSS would essentially own the event and the event would be the work, which is quite a radical idea when it comes to institutional collecting."[88]

Tatham's comment draws attention to one of the primary objectives of the commission, which was to commission a work for Scotland, which was to be shared across

[86]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", p. 6, Last accessed: 21/06/2013.

[87]The previous citation was translated from French into English. The original text reads: "La liberté de création est un atrribut inhérent à l'activité artistique. Sans elle, l'artiste ne peut déployer ses facultés intellectuelles, exprimer son art et faire oeuvre créatrice."(ibid., p. 6, Last accessed: 21/06/2013)

[88]Hanley, "Interview: Joanne Tatham and Tom O'Sullivan 'Collecting and Commissioning Contemporary Art' (Unpublished)".

the six partner museums, challenging the idea of the collection and the collectable object. The idea of a joint-acquisition of an event was something that very few municipal museums or galleries in the UK had experience of doing and this was largely supported by the CAS and the six museum partners. Tatham noted that:

> "Gill Hedley was trying to get the galleries to collect works that were completely different and that were not being collected, that were underrepresented in museums and galleries. One of the key things that they had as an objective was a way of commissioning a work that was not the kind of work that would usually be commissioned or would go into a collection - that was the kind of work they were keen to support and they saw that in our practice and so there were two frameworks that came together and manifested themselves in the commission."[89]

The work that resulted did function on the one hand as an event, and established a very live engagement with the objects around it, both in the context of Newhailes and the Hunterian Museum and Art Gallery where it was exhibited after, however, what the legacy of the work would be and how that would be jointly acquired across the six partner museums was less clear. The lack of involvement from the NCSS partners from the outset of the commission meant that there was not one clear museum representative responsible for managing the commission, to work with the artists and to cooperate and act on behalf of the other NCSS partners and to articulate how best to manage the future life of the work. This was further problematised by the physical nature of the commissioned work that resulted in seven large-scale objects, which became part of the work's permanent legacy, rather than only part of the initial exhibition and event. The legacy of the commission, the resulting work and the issues associated with co-ownership were brought to bear by Mungo Campbell, who noted that:

> "[...] The work was produced, but instead of it being the throw away stuff that we were used to with Tom and Joanne, there were solid objects. They were long-lasting, high quality objects that had a presence. There was also the question of everything that makes Tom and Joanne's work difficult as a

[89]Hanley, "Interview: Joanne Tatham and Tom O'Sullivan 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> practice were these single objects or were they collective? What was their relationship with their surroundings? How could that be negotiated between different locations? When did their relationship with the objects come to an end? The biggest turning point, but one of the crucial junctures in Tom and Joanne's practice, was a move from the temporary to the permanent. The Scottish Arts Council and the Contemporary Art Society who were the people drawing up the contracts with Tom and Joanne had no idea that the outcome would be what it was. They started off with the idea that the work would be something that would exist in a field and would blow away after a week and instead we ended up with a collection of permanent objects. The possibility of that never crossed anyone's mind and the actual management of that never crossed anyone's mind."[90]

The above statement highlights both the inherent risk, as well as what is particularly innovative about commissioning, which is that despite the level of cooperation, commitment and communication between the commissioner and the artist or how well a project is managed, the outcome of a commissioned work remains unknown until the work is complete. This is a risk, which contradicts one of the traditional aspirations of most public museums and galleries, which Bruce Althshuler has pointed out in his 'Introduction' to *Collecting the New: Museums and Contemporary Art*, the concentration on acquiring "time-tested masterpieces". While the risk of the unknown is an inherent part of the art commissioning model, commissioned projects can result in works that meet or exceed the expectations of a commissioner. However, before the work is complete, there is also the possibility that the resulting work could be at a very far remove from what was expected. This feature of the commissioning process introduces the possibility of disappointment or delight both for commissioners and artists.

The ideas for the NCSS commission outlined by the artists, were described by Tatham, who noted that the work "tied together well with the ideas of the brief —- it is an event and it is challenging ideas about the collection, but it is taking this as its content and as its theme" while O'Sullivan said, "so that is what excited us, that you could have a collection of inanimate objects that looked like they would be in a

[90]Hanley, "Interview: Mungo Campbell 'Collecting and Commissioning Contemporary Art' (Unpublished)".

collection, but actually they were a discourse, and they were in themselves always going to be an on-going event."[91] By examining the artists' remarks as well as those made earlier by Campbell, it is clear that there are disparities in how the commissioning brief was interpreted and how the artists' decisions were communicated and in turn featured in the resulting work.

As I argue in Chapter One, while some features of a work can be communicated in advance of its making, and may be written into a commissioning contract or artist agreement, there are many details of a work that are more difficult to articulate with precision in writing or which the artist may not be able to communicate until the work is underway or complete, making the final outcome of a commissioned work variable until the work is complete. This is one of the primary risks involved in the commissioning of a new artwork. However, as will be demonstrated in the following chapter, this is where communication at all stages of a project, but particularly at the outset of a commission is fundamental to the success of a project.

The NCSS commission illustrated that there is a certain degree of risk attached to a new commission, yet at the same time reflecting how commissioning a bespoke artwork is also one of the benefits offered by a commission, since commissioning an artist rather than buying an existing work 'off-the-shelf' offers the chance that the work may also far exceed both the commissioner's and the artist's expectations. Buck and McClean further emphasise this, noting that: "Whatever the scale or nature of the commission, it carries with it the excitement of being involved in bringing something new and unknown into the world, and thus potentially having a direct role in adding to art history."[92]

The joint commission and acquisition of *Rhetoric Works & Vanity Works & Other Works* by the NCSS highlights some of the issues associated with co-commissioning partnerships and joint acquisitions of commissioned works. It also raises questions about

[91]Hanley, "Interview: Joanne Tatham and Tom O'Sullivan 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[92]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 31.

whether certain works, such as those which do not require costly transport and can be more easily editioned, like film and video, lend themselves more appropriately to a joint commissioning model than other kinds of works. More importantly though, the NCSS commission demonstrates how good communication between the artist and the commissioner from the outset can help to reduce the risk of issues arising later.

Despite the challenges involved in the commissioning of *Rhetoric Works & Vanity Works & Other Works*, the work can be seen as an example of an ambitious commission and a first step toward developing a successful co-commissioning and collecting partnership for municipal museums and galleries in the UK. While the commission was not without its practical issues, the co-commissioning and acquisition of *Rhetoric Works & Vanity Works & Other Works*, was the first project in the UK to draw together such a large number of regional art collections to collaborate in a joint 'commission-accession' venture. Despite its shortfalls, being that it was the first commission by the NCSS partnership, it can be used as an example for future UK museums seeking to commission a new work as a basis for more informed co-commissioning partnerships.

3.2.2 3 Series: 3 Artists; 3 Spaces; 3 Years

The '3 Series: 3 Artists; 3 Spaces; 3 Years' was a partnership between Modern Art Oxford, Camden Arts Centre in London and the Arnolfini Gallery in Bristol, three contemporary art centres in the south-east of England. The project was inspired by and takes its name from the 3M model in the United States, discussed earlier in the chapter, in which three organisations of a similar scale, budget and level of ambition joined together to commission three international contemporary artists over three years. The commissioned works travelled to each of the participating galleries as a way of presenting a diverse range of international contemporary art by artists whose works were yet to be represented in UK collections. The, then, Senior Curator at Modern Art Oxford, Suzanne Cotter discussed the motivation for the project, '3 Artists; 3 Spaces; 3 Years', stating that:

> "It really came from Modern Art Oxford because we, myself and the gallery director, were talking through our frustrations with not being able to commission and also the ways in which we could work intermittently with other institutions. I really took the idea from an existing model in the United States, it is called the *3M Project* and I knew of it and I had known of it for some time because Fiona Tan was one of the invited artists and we previously worked with her."[93]

Unlike the 3M project in the US, which is on-going, the 3 Series was launched with a three year fixed term (2008–2011), drawing core support from the National Lottery through Arts Council England and Grants for the Arts, which were used to lever in additional project-specific funds from outside sources that were specific to each of the invited artists. Also distinct from the 3M Project was the fact that none of the participating galleries in the series have permanent collections. In order to engage public museum and gallery collections in the project they added a further dimension to the series, working with the Contemporary Art Society (CAS) in order to gift an element of each of the commissioned works to a public collection in the region (the south-east of England). CAS facilitated the entry of the commissioned works into public collections by identifying museum and gallery collections for the gifted works and brokering the 'commission-accession' relationship between the commissioning galleries and the selected collecting institutions. Lucy Bayley, Manager of Gifts and Bequests at CAS, discussed the role of CAS in the 3 Series:

> "It is a nice relationship because every time a gallery invites an artist to make a new commission, CAS is invited to look at the show and to select a work which will then be gifted to an institution that CAS identifies. So once this happens it is up to us to propose three possible collections that the work could go to and then it is up to the commissioning galleries to decide which one they would like the work to be placed in."[94]

[93] Bo Hanley. "Interview: Suzanne Cotter 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: Modern Art Oxford Café, 30 Pembroke Street, Oxford. 2009.

[94] Bo Hanley. "Interview: Lucy Bayley 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: Contemporary Art Society, 11-15 Emerald Street, London. 2010.

While resources and support for the series was shared equally across all three participating galleries including production, installation, shipping and the accompanying publication for each respective project, the artists were selected by unanimous decision, through a curatorium made up of curators from each of the organisations. However, each gallery took a lead role in one of the three commissions in the series. The first invitation was to Romanian-born artist, Mircea Cantor, whose exhibition 'The Need for Uncertainty', which ran from April 2008 to April 2009, was a large-scale installation that included a series of mixed-media objects. One of the commissioned works, *Hiatus* (2008), a photograph of a "mysterious, geometric lattice of carved wood"[95] wrapped around a tree in the middle of a forest, was subsequently gifted to the Towner Art Gallery, Eastbourne with support from the artist and the Contemporary Art Society, as part of the 'commission-accession' principle underpinning the commissioning series. The commission was also supported with funding from the Romanian Cultural Institute in London.

The second commission went to Swedish artist, Johanna Billing to develop a new film, *I'm Lost Without Your Rhythm* (2009), which was based on the recording of a live choreographed event involving amateur Romanian dancers and acting students in Iasi, Romania during the Periferic 8 Biennial of Contemporary Art 'Art as Gift' in October 2008.[96] The work was exhibited along side a series of existing film works from July 2009 to June 2010. Following the exhibitions, an edition of the film was subsequently gifted to the Norwich Castle Museum and Art Gallery in 2010, where it will have a permanent legacy in the region.

The final commission of the series was awarded to American artist, Kerry Tribe, who created three new works that together formed the exhibition, 'Dead Star Light', which were shown from July 2010 to July 2011. The series of works included *Milton Torres Sees a Ghost* (2010), a sound installation; *Paranassius Mnemosyne* (2010), a

[95]Liz Arnold. "Press Release: Mircea Cantor: The Need for Uncertainty". In: *Camden Arts Centre* (2009), Last accessed: 21.07.2013.

[96]Bruce Haines and Anne-Marie Watson, eds. *Johanna Billing I'm Lost Without Your Rhythm (Exhibition publication)*. Camden Arts Centre, 2009, Last accessed: 21.07.2013.

16mm film installation and *The Last Soviet* (2010) a single-channel video work, which was gifted to the Imperial War Museum, London in 2011.

The three commissions illustrate a new trend in commissioning in the UK and demonstrate how models used internationally, which have joined commissioning with collecting, can be used in dynamic ways to support artists to create ambitious works that can then have a permanent legacy in public museums and galleries. The 3 Series illustrates how public funds can be extended when museums and galleries work together and share resources and expertise by co-commissioning new work. Suzanne Cotter commented on the development and the ambition for the project stating that:

> "The programme for the 3 Series actually developed out of the recognition that when we work with artists, who need to or would very much like to make new work when they're invited to show, that we didn't have dedicated funds towards that. It was always a question of having to go and raise more funds, one. Then two, we wanted to rethink the idea of touring exhibitions and institutional collaborations and how one might do that in an interesting way. And then three, we could see this idea of having a commissioning series as contributing to the discussions that were happening around collections of contemporary art in public institutions, museums and galleries, in this country. So it was really about, not so much a puzzle, but a configuration that actually responded to a number of different ambitions on our part and our needs."[97]

Cotter's remark draws attention to a key concern for UK museums and galleries, which is the need for greater funds to put towards facilitating the making of ambitious contemporary art and by collecting it to create legacies of such works in public art collections. Until very recently, there has been very little public money available for museum and gallery commissions and this is particularly true for municipal museum collections, which often have limited acquisitions resources. This is an area where co-commissioning models could be of particular benefit to municipal museums and galleries seeking to strengthen their contemporary art collections by working together to facilitate

[97] Hanley, "Interview: Suzanne Cotter 'Collecting and Commissioning Contemporary Art' (Unpublished)".

the making and acquisition of ambitious works. While the 3 Series was a particularly innovative example of how, even where public funds are scarce, museums and galleries can work together to facilitate the making of ambitious contemporary art, it was not an on-going project (it only ran with a three year fixed term). Therefore, there is still considerable work to be done in reshaping public policy around commissioning in the UK, if commissioning is to become a mainstream practice for public museums and galleries. Recognition of the potential challenges involved in commissioning could help museums and galleries to better equip themselves before entering into a commissioning relationship. As noted earlier in this thesis, recently commissioning practices have drawn the attention of national funding bodies in the UK, such as the CAS, which have gradually begun to recognise the benefits offered to museums and galleries by commissioning new work from artists. The following section will discuss one very recent example of this.

3.2.3 Contemporary Art Society 'Commission–Collect' Award and Art Fund International

The Contemporary Art Society (CAS) is a UK national membership organisation, which has been operating since 1910. Its primary function is to raise funds to purchase contemporary art for public museums and galleries throughout the UK. CAS works with individuals, institutions and organisations including contemporary art enthusiasts and collectors, private foundations, curators, artists and gallerists in order to generate gifts of contemporary artworks and generate philanthropic giving to a network of regional public collections (which subscribe to them as Member Museums and Galleries).

Since it began, CAS has played a unique and largely independent role in the development of public collections of contemporary art in the UK, donating more than eight thousand works, by in particular, early and mid-career artists, to museums and galleries throughout the country.[98] In addition to placing contemporary art in public museums

[98]Contemporary Art Society Website. *Contemporary Art Society Website*. 2012. URL: `http://www.contemporaryartsociety.org`, Last accessed: 21.07.2013.

and galleries, CAS also runs an annual programme, which aims to develop curatorial skill and increase knowledge across the UK visual arts sector through initiatives, workshops and symposia. CAS is also a leading arts consultancy offering independent advice about contemporary art collecting and commissioning to individuals, corporations and commercial and public arts venues. As a national organisation, it is supported by the National Lottery through Arts Council England as well as a host of foundations and individual patrons.

As a national membership organisation CAS is uniquely situated in the UK between national public funding bodies, private organisations and individuals, commercial galleries, artists and public museums and galleries, lending it a view over developments across the UK visual arts sector and providing it with a distinct role in the development of partnerships with public museums and galleries. As part of this role, it also facilitates collaborations between collecting and non-collecting arts organisations, fundraising and levering in both public and private funds to do so. Lucy Bayley, Manager of Gifts and Bequests at CAS remarked that:

"We are a facilitator, we sit on top of all of these different museums and curators and we have a relationship with the collecting and non-collecting galleries and commercial galleries with a membership, but we are able to see what is going on so that we can connect organisations."[99]

Until very recently, CAS has concentrated on the development of contemporary art collections in the UK by supporting purchases and gifts of existing works to museum and gallery collections. However, due to the fact that very little work was being commissioned by UK museums and galleries and in response to the growing publicity around commissioning internationally, and in recognition of the benefits commissioning for the purpose of collecting offered, in 2009 CAS introduced *Commission to Collect*,

[99]Hanley, "Interview: Lucy Bayley 'Collecting and Commissioning Contemporary Art' (Unpublished)".

a new Annual Award for museums. Bayley, described the development of the award, noting that:

> "We had been around and had meetings with a lot of our museum members and there is obviously a gap in them purchasing - there is not a lot of contemporary art being acquired or much being done because of budget, but we were also aware that there was a lack of work being commissioned and there was also a gap between the commissioner, the public gallery and the collection. So two different sorts of organisations that are working separately, so it makes a lot of sense to join them up and get collections more experienced in commissioning work [...] The other thing is that there were a couple of examples of museums commissioning work, but there wasn't the funds to do it and where there were the funds there were restrictions on being ambitious, so the idea of the award was that the museum would have a large sum of money to be completely ambitious in a way that they couldn't have done if they had funds from elsewhere, because the patron isn't linked to any public money or agenda."[100]

The aim of the award was to support public museums and galleries in the UK to commission ambitious new work that, once complete, would remain within the museum's permanent collection. Bayley's statement raises a key issue in this research, which is that regional public art collections in the UK have not yet identified a sustainable means of collecting contemporary art and as a consequence there is a relatively small amount of new work being acquired compared to counterpart institutions abroad. The *Commission to Collect* Award was implemented in order to address this issue, as a strategy to promote collecting, using commissioning as a model with which to join-up different parts of the UK arts sector. The above statement, also points to the fact that there is very little funding in place for commissioning and that as a result such practices are largely underepresented in the context of public museums and galleries in the UK. The award highlights that the CAS, one of the UK's central funding bodies for the visual arts, has identified the potential for co-commissioning partnerships, which marry commissioning and collecting through interinstitutional collaborations, to act as a strategy to help museums and galleries to collect more sustainably.

[100]Hanley, "Interview: Lucy Bayley 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Commission to Collect was implemented as part of CAS's Centenary Programme, to celebrate the organisation's one hundredth year in operation. Drawing support from the Sfumato Foundation for a three-year fixed term, each year a selected museum or museum partnership is granted £60,000 to commission a new work for its permanent collection. Now at the end of its three-year remit, the museums and artists, which received the award were: The Graves Art Gallery and Museum in Sheffield with Czech artist, Katerina Seda (2009); The Hepworth Wakefield and Wolverhampton Art Gallery in association with Film and Video Umbrella in London, with Glasgow-based artist, Luke Fowler (2010); and The Nottingham Castle Museum with London artist, Christina Mackie (2011).

These commissions resulted in a number of major new works by artists who work with more traditional materials like drawing and painting (Katerina Seda) to those working with moving image (Luke Fowler), to multi-faceted sculptural installations (Christina Mackie). The first commission, by Katerina Seda for a work entitled *Lisen Profile* (2010) (Figure 3.12), included more than five hundred line drawings of portraits of people from her home town of Lisen in the Czech Republic. The drawings are accompanied by a catalogue of five hundred and twelve drawings that document the development of the pieces and depict landscape forms of Lisen and the surrounding area transforming them into facial profiles of the individuals who live there.[101]

The second commission was awarded to Luke Fowler to make a new film, which will be exhibited between June and October of 2012. The joint commissioning of Fowler's work by The Hepworth Wakefield and Wolverhampton Art Gallery has meant that each institution will have the right to own an edition of the work for their collections. This

[101] For more information on the commission or Katerina Seda see respectively: (Nicole White. "Review: Lisen Profile by Katerina Seda (Millenium Galleries, Sheffield: 3 April - 30 May 2011)". In: *(a-n Newspaper) The Artist Information Company* [2011]. URL: `http://www.a-n.co.uk/interface/reviews/single/1216854`),(ArtRabbit. *Katerina Seda: Lisen Profile (Millenium Galleries: 2. Mar - 30. May 11)*. 2011. URL: `http://www.artrabbit.com/uk/events/event/24065/katerina_seda_lisen_profile`, Last accessed: 21.07.2013)

commission, which focuses on artist-film, supports an area of museum and gallery collecting that remains largely underdeveloped in the UK and in doing so underpins the potential of commissions to support collecting and collections development for regional museums and galleries.[102]

The third Annual Award went to The Nottingham Castle Museum in partnership with Christina Mackie. Mackie is an artist who is best known for her multi-layered sculptural installations. While work on the commission is currently underway, it is anticipated that she will create a range of new works, which draw inspiration from the museum's collections and the history of the Castle, as well as the collections of mineral and natural sciences at Wollaton Hall. This project is an example of how commissions can open up possibilities for museums and galleries to work with artists to make new work in response to existing museum collections.

To date, CAS's *Commission to Collect* is the only award in the UK that supports the entry of contemporary art into public collections through a 'commission-accession' process.[103] While the Award, now at the end of its remit, was launched as a temporary initiative for a period of three years, in a relatively short time it has raised the level of awareness about the benefits of commissioning and collecting contemporary art and encouraged regional art collections to engage with commissioning as a model for building contemporary art collections and a new means of forging partnerships with other UK museums and galleries. The *Commission to Collect* Award also introduced a much needed compliment to existing national funding for new projects such as the Art Fund

[102]To date, there are very few regional public art collections in the UK with the level of infrastructure, technical support and resources necessary to support film and video acquisitions, consequently outside of Tate, Southampton and more recently the Imperial War Museum and Aberdeen Museum and Art Gallery, there are very few UK institutions with holdings of film and video. In the past decade there have been developments in this area as a consequence of emerging commissioning practices, a number of example of which were introduced earlier in the chapter.

[103]Contemporary Art Society. "Christina Mackie and The Nottingham Castle Museum win the Contemporary Art Society Annual Award 2011". In: (2011). URL: `http://www.contemporaryartsociety.org/our-work-with-public-collections/the-annual-award/christina-mackie-and-the-nottingham-castle-museum-win-the-contemporary-art-society-annual-award-2011`, Last accessed: 21.07.2013.

International Scheme (AFI), which in 2007 launched a new project that awarded one million pounds to five regional museum and gallery partnerships across the UK to purchase international contemporary art over a five-year period. The Art Fund has historically funded acquisitions of existing works by established contemporary artists and has only recently begun to fund one-off commissions as part of the AFI initiative (e.g.: They agreed to support a new commission by Lawrence Weiner by the Gallery of Modern Art, Glasgow and the Modern Guild, one of the five AFI museum partnerships).[104] Furthermore, the AFI funds for museums and galleries were limited to purchases of works by established artists with significant museum and gallery representation. Consequently, the CAS Award has, be it temporarily, filled a much needed gap in funding provision by offering support for the commissioning and collecting of new works by early-career artists. Bayley reported that:

> "CAS has always been dedicated to buying work by an artist at an early stage. We want to be able to give that opportunity to a younger artist, which is part of what we are doing with the centenary programme. Giving the opportunity where other funders might not be and giving the opportunity to an artist to work in institutional structures that could be a new experience for them. In the case of the Art Fund, their willingness to fund projects means the museum needs to prove that the artist is already represented in other collections."[105]

The previous statement highlights the gap in funding provision for public museums and galleries in the UK and shows how very recently national funding bodies like CAS

[104]The Art Fund International Scheme (AFI) was introduced in 2007 as a way of helping UK museums and galleries to build collections of international contemporary art. The Scheme allocated five museum partnerships, including: the New Art Gallery Walsall, Birmingham Museum and Art Gallery and the Ikon gallery in Birmingham; Bristol Museums, Galleries and Archives Service collaborated with the Arnolfini in Bristol, the Gallery of Modern Art, Glasgow and the Modern Institute; Middlesborough Institute of Modern Art (Mima) and The Drawing Centre, New York; and the Towner Art Gallery and Museum, Eastbourne in partnership with Photoworks, Brighton Photo Biennial and Artsway. AFI allocated these five museum partnerships £1 million to purchase international contemporary art by established artists over a five year duration. AFI concluded in October, 2012. For further details of the Art Fund International Scheme see: (Phil Abraham. "Art Fund Press Release: UK museums celebrate 5m pound international contemporary collecting programme with year of major new exhibitions". In: *Art Fund* [2012]. URL: `http://www.artfund.org/assets/art-news/2012/07/Press%20release%20-%20AFI%202012-13.pdf`, Last accessed: 21.07.2013)

[105]Hanley, "Interview: Lucy Bayley 'Collecting and Commissioning Contemporary Art' (Unpublished)".

have adopted commissioning practices. The CAS has helped to support this shift, ring-fencing funds to put toward the commissioning and collecting of contemporary art for a three year period. The Commission-Collect Award has drawn attention to the benefits 'commission-accession' practices can have for municipal museums and galleries. It has also helped to generate greater confidence among museum professionals by facilitating collaborations between museums and artists by commissioning. Evidence of the benefits of commissioning to collect are reflected in the results of the CAS Annual Award as well as in the international models outlined earlier in this chapter. It is important to mention, however, that the CAS award was core funded privately by the Sfumato Foundation, which is reticent of the structure of funding for commissions undertaken by a number of public museums and galleries in the US. This structure which combines private funds in order to support public arts institutions has enabled a number of ambitious commissions such as the CAS Commission-Collect Award. Bayley commented on the importance of private funding in maintaining an open remit for the CAS Award, but also the need to foster on-going relationships with private patrons in order to promote sustainable support for new projects, noting that:

> "The Sfumato Foundation wanted to work on an ambitious project that would help museums. They were quite open in supporting something for museums, but they wanted it to have a large impact [...] I do think that private collectors are much more used to commissioning things for which they are unsure what the outcome is going to be [...] Private patrons are often used to commission work for their own collections, so perhaps this helps with developing a certain level of willingness and philanthropy to commission for collections [...] In the case of continuing the Award, it would be hard to keep that going without that regular support and the funds and flexibility which that funder offers."[106]

By examining international models for commissioning and collecting contemporary art it becomes clear that on-going projects, such as the 3M project in the US, Le Consortium's Nouveaux Commanditaires in France and the success of organisations, which

[106]Hanley, "Interview: Lucy Bayley 'Collecting and Commissioning Contemporary Art' (Unpublished)".

regularly commission new work as part of their programmes such as UK organisations like Artangel and the Fruitmarket Gallery, all operate under a framework in which they have access to private funds. From this, we can infer that the success of commissioning practices in the preceding examples are based not only on the relationships formed between institutional partners and between commissioners and artists, but also crucially, on the availability of funding for commissioned works. This is where partnership approaches to commissioning and collecting contemporary art could be particularly useful as well as collaborations between public and private organisations – where public arts organisations use private support to commission new work for the public good or draw on private funds indirectly through national funding bodies such as was the case with the CAS *Commission to Collect* award. Projects such as these have enabled public museums and galleries the opportunity to engage in commissions, which draw on private support.

3.3 Conclusion

This chapter has shown that there is a need to develop new strategies for UK museums and galleries to collect contemporary art and how 'commission-accession' models have shown potential in this area. In particular, the examples introduced in this chapter demonstrate how co-commissioning partnerships can support public museums and galleries to facilitate the making of ambitious contemporary art, improving the scope of public art collections and doing so at relatively low cost. Commissions have introduced new opportunities for museum curators to work directly with artists to commission new works for their collections, provided necessary support for artists and created chances for audiences to engage with major contemporary works by international artists. Commissions have also opened-up new possibilities for arts organisations to establish partnerships with local, national and international partners and to work collectively in order to make better use of staff time and institutional resources by synchronising programming, institutional expertise and pairing-up skills across different kinds of arts organisations.

Commissions have also created opportunities for artists to make work in relation to a particular context, site or situation, which have been particularly valuable for artists and for museums and galleries and their audiences.

Commissioning partnerships have facilitated a number of significant projects in the last decade. These include both co-commissions for temporary exhibitions (such as in the case of the 3 Series), as well as more-long term projects (such as the 3M project), both of which have led to significant acquisitions by permanent museum and gallery collections. There are also examples of commissions for outdoor and public spaces such as those undertaken by FRAC Bourgogne and Le Consortium's Nouveaux Commanditaires. These include examples of everything from small yet significant projects to large-scale productions. Museum professionals have given positive accounts of co-commissioning and commissioning in partnership. The models outlined in this chapter have introduced projects, that demonstrate different models used to commission and co-commission new work, which provide a taxonomy of practices currently in use.

Co-commissioning does not have to be about a single organisation's agenda, although, this chapter shows that it has proved beneficial to have a primary commissioner leading on a project especially where projects are lengthy and where the leadership role can alternate between partners (such as in the 3 Series). Collaborations should be about the equal distribution of resources and decision-making power between all of those involved, although it may be feasible for one organisation to undertake a lead role. This chapter has shown that cooperation and communication are essential at all stages of a project.

While this chapter has focused on successful commissions it has also highlighted some of the difficulties involved in commissioning partnerships, demonstrating that the co-commissioning of new work is an area fraught with practical and theoretical difficulties and one where as earlier noted, "achievements in reality may fall short of ideals". There are very few arts organisations in the UK that have hitherto embedded commissioning practices into their regular programmes or, further more, which have sought to use

commissioning in the context of collecting activities, introducing 'commission-accession' practices in order to join the commissioning of new works for exhibitions with collecting. While collaborations and partnerships have, in recent economic hard times, demonstrated various benefits for museums and for artists, there have been very few on-going co-commissioning partnerships to date in the UK. Instead, museums and galleries have continued to favour working independently, and to privilege traditional exhibition and collecting practices that focus on the presentation and acquisition of existing artworks and thereby require less staff-time.

There is a need to acknowledge evolving practices for collecting contemporary art and what is needed in order to further the success of new models such as the commissioning model. This could help to develop a more sustainable practice of commissioning in UK museums and galleries. However, in order for commissioning models to be used effectively, it is necessary for museums and galleries to define what 'ambitious' and 'challenging' projects might involve. For some it might be to work in partnership with another museum or gallery in order to commission on a larger-scale, creating new work that is more ambitious than what they could do alone, or to develop a 'commission-accession' relationship with an arts organisation in their area and for others it might be to undertake a commission for the first time.

In order for UK museums and galleries to use commissioning as a strategy to exhibit and collect ambitious contemporary art requires greater support from national funding bodies, but also an awareness of the benefits that developing strong relationships with artists and partner museums can offer. It also call for greater cooperation and a push towards partnership work as apposed to working independently and stronger organisational commitment at all levels. In particular, it demands greater motivation, flexibility, commitment and leadership at the curatorial level, without which the success of single and joint commissioning projects may not be able to reach their full potential. The case studies included in this chapter have drawn attention to many of the key issues related to the commissioning and collecting of contemporary commissioned art by public

museums and galleries, demonstrating both the benefits and difficulties that have arisen in recent practice. The following chapter will turn to investigate how commissioning practices have impacted contemporary artists in the development of their works.

Figure 3.4: Krijn de Koning, *Untitled*, 2006, Acrylic paint on plaster, (Ceiling view), Photo: Courtesy of the artist and FRAC Bourgogne.

Figure 3.5: Maurizio Cattelan, *Untitled*, 1997, Soil, Dimensions: 6.6 ft. x 39.5 in. (rectangular square), Photo: Courtesy of the Artist and Le Consortium.

Figure 3.6: Gloria Friedmann, *Le Carré Rouge*, 1997, Dimensions: 640 sq. ft., Exterior: industrial paint, brick, clay, plywood, glass; Interior: futon-beds, kitchen, dining facilities, wood-burning stove, logs and gas lamps. Photo: see http://www.blog-opusrouge.com/2011/09/carr%C3%A9-rouge-.html, Accessed: 21/06/2013.

Figure 3.7: Fiona Tan, *Correction*, 2004, Video installation, Blu-ray, Still, Commissioned by the New Museum, New York, the Museum of Contemporary Art, Chicago and the Hammer Museum, Los Angeles, as part of the Three M Project. Photo: see http://www.newmuseum.org, Accessed: 21/06/2013.

Figure 3.8: Aernout Mik, *Refraction*, 2005, Video installation, Blu-ray, Still, Commissioned by the New Museum, New York, the Museum of Contemporary Art, Chicago and the Hammer Museum, Los Angeles, as part of the Three M Project. Photo: see http://www.newmuseum.org, Accessed: 21/06/2013.

Figure 3.9: Joanne Tatham & Tom O'Sullivan, *Think Thimgamajig* (Floor Sculpture 3), 2006, Plywood, adhesive, black and pink gloss paint, steel stand, Within: *Rhetoric Works & Vanity Works & Other Works*, 2006, Mixed Media, Dimensions variable, Photo: Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow, Installation view Newhailes, East Lothian, 2006, TMI-OSULT-00107 and TMI-OSULT-00109.

Figure 3.10: Joanne Tatham & Tom O'Sullivan, *HK Marble* (left), 2006, Marble letters, 30 x 208 x 6 cm 11.8 x 81.9 x 2.4 in, ed.1 of 3, *Untitled* (right), 2006, American walnut veneer, 180 x 150 x 70 cm, 70.9 x 59.1 x 27.6 in, Within: *Rhetoric Works & Vanity Works & Other Works*, 2006, Mixed Media, Dimensions variable, Photo: Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow, Installation view, Newhailes, East Lothian, 2006, TMI-OSULT-00084.

Figure 3.11: Johanna Billing, *I'm Lost Without Your Rhythm*, 2009, Video projection, Blu-ray, Still Commissioned by Modern Art Oxford, Arnolfini, Bristol and Camden Arts Centre as part of the *3 Series: 3 artists; 3 spaces; 3 years*. Photo: Courtesy of the Artist and Hollybush Gardens.

Figure 3.12: Katerina Seda, *Lisen Profile*, 2010, Water colour and ink on paper, Commissioned by Graves Art Gallery and Museum in Sheffield with support from the Contemporary Art Society's *Commission-Collect* Award. Photo: Courtesy of the Artist and the Contemporary Art Society.

Chapter 4

Case Studies: Artists' Perspectives on Commissioning

4.1 Introduction

So far this research has examined the commissioning of contemporary art from the perspective of the commissioner within an institutional framework in order to assess its use as a model in the context of municipal museums and galleries and collecting. In particular, it has examined how strategic commissioning for the purpose of collecting has helped to enhance the scope of public art collections, revive existing collections with new acquisitions, engage new audiences and strengthen interpretation around contemporary art. It has investigated the commissioning model and how it has offered new opportunities for interinstitutional partnerships, which marry exhibitions expertise with collecting in order to make efficient use of museum resources.

I now turn to examine the artist's perspective, to explore how commissions have been used to support artists in the making of ambitious art, opening up new possibilities for collecting. Drawing on recent one-to-one interviews with three early-to-mid-career

artists, alongside newspaper and journal articles on the respective projects, this chapter examines some of the difficulties and risks that artists currently face by accepting institutional support in order to make their work vis-a-vis a commission. In so doing, the case studies included in this chapter will be used to demonstrate some of the issues associated with the commissioning of contemporary art by public museums and galleries, presenting the experiences and opinions of contemporary artists, which further inform this debate. It bears mention here, that the three artists discussed in this chapter are all based in Glasgow, quite well-established in their careers (two of the them were nominated for the Turner Prize) and they are all represented by the same very powerful gallery, The Modern Institute, Glasgow. These factors have contributed to the public attention afforded to these artists and their works and consequently to their level of prestige.

Three case studies form the focus of this chapter. These have been chosen in order to further examine some of the ethical and practical issues that underpin the commissioning of contemporary art by public museums and galleries. In particular, important considerations such as the artist-commissioner relationship, cooperation, communication and trust are explored as well as other logistical and legal challenges, which underpin different commissioning processes. The oral testimonies of three artists have been used in order to shed some light on the ways in which contemporary practitioners have engaged with commissioning processes to make new work in response to a particular place or situation. In doing so, these studies draw attention to the role that commissions have played in providing access to a unique site or environment, and how such interventions have inspired the making of major new works, which have particular benefits for artists as well as for those commissioning them. All of the included case studies are of contemporary works commissioned by UK museums and galleries and in two of the three cases the commissioned work was acquired by a museum or gallery for the permanent collection. Each project involved a different model, introducing a range of different commissioning processes, that together, further demonstrate how the commissioning of contemporary artworks has become a fluid and expanded practice.

The studies are based on the commissioning of three contemporary artists, all of whom have very different artistic practices, which resulted in examples of works that are materially and conceptually very diverse. The first study explores Toby Paterson's *Powder Blue Orthogonal Pavilion* (2008), an out-door public sculpture, commissioned by Up Projects, London for the 2008 Portavilion exhibition in London. The second study turns to Martin Boyce's *No Reflections* (2009), a large scale multi-faceted installation, commissioned by Dundee Contemporary Arts (DCA) with support from the Scottish Arts Council (now Creative Scotland) for the Scottish Pavilion at the Venice Biennale and the third case study discusses the commissioning of a permanent wall painting by Richard Wright for the *Stairwell Project* (2010) at the Dean Gallery, Edinburgh part of the National Galleries of Scotland (NGS). These three projects have been selected both because they demonstrate very different commissions, but also they each constitute an example of a successful commission that involved a high level of trust between the commissioner and the artist from the outset of the project to its completion. Together these case studies reflect an affirmative account of commissioning and the benefits they offer to artists.

These case studies reflect some of the core features of a commission that artists deem important to a project as well as some of the challenges associated with making work vis-a-vis a dependent creative process. While the artists' responses reflect specific opinions and experiences about the commissioning process, which are case specific, their insights into their respective projects reveal many similarities. Specifically, practical features such as access to a particular site or context, a larger or more diverse audience and to resources as well as to professional or technical expertise, were referenced by the artists as being of significant value and importance in all three case studies. Artists also highlighted more conceptual issues like the importance of trust, the tension between creative freedom and dependence, risk and the issue of artistic failure. Together these offer important insights into the processes underpinning the commissioning of contemporary artworks that could be particularly useful as guiding principles museums and for artists.

While the case studies included in this chapter all demonstrate commissions which involved a high level of trust throughout and in doing so collectively reflect an affirmative view of commissioning, as the previous chapter identified, it is important to mention that breaches of trust do occur that can have serious implications for artists and their works. By committing themselves to work within a dependent creative process, artists are relying on commissioners to meet their responsibilities and respect the terms set out in a commissioning agreement. Because the creation of a work of art is, as Touboul noted in Chapter Three, a 'work of the mind', breaches of trust, failure to cooperate or a lack of accountability from the commissioner can have particularly negative consequences for artists, which exceed general losses (such as the loss of investment, time, income or reputation) that could occur as the result of a failed commission.[1] In addition, such breaches can also threaten the creative freedom and authorship of the artist and harm his or her work. There are many recent examples of such breaches in commissioned works, however, due to the length of this study, detailed accounts of these have not been included here. Instead, this chapter focusses on affirmative examples of very recent successful art commissions.

4.2 Case Study 1: Toby Paterson – Powder Blue Orthogonal Pavilion, 2008

The ability to enhance an environment or to improve people's surroundings is a key motivation for commissioning a new work in the public domain, but such projects also create unique opportunities for artists to engage with a particular site, context or audience. This was a feature that was at the heart of Toby Paterson's *Powder Blue Orthogonal Pavilion* (2008) (Figure 4.1 and Figure 4.2), commissioned by Up Projects, a public art

[1] Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21/06/2013.

organisation that specialises in commissioning and curating art projects in parks and green spaces[2]

Paterson's work grew out of Portavilion, the first of an on-going series of annual temporary public art commissions in London. Beginning with a description of *Powder Blue Orthogonal Pavilion* and moving on to an examination of the commission, and in particular the role the site played in the realisation of the project, this study will demonstrate how the context of the commission helped to guide the development of Paterson's work. It then explores some of the ways in which the commissioning process contributed to the development of *Powder Blue Orthogonal Pavilion* and finally reflects on some of the benefits and risks involved in the project. It also draws attention to earlier commissions undertaken by Paterson and the legacies that commissioned works have had on the evolution of his practice.

As an artist whose practice is dedicated to the study of the built environment, Paterson's *Powder Blue Orthogonal Pavilion* (2008) reflects an ambitious jump from his wall paintings and paintings on Perspex and an evolution on earlier public projects such as his two dimensional works for the Royston Road Project (1999-2001) or the semi-detached sculpture, *Poised Array* (2007), which is fixed to the base of the plaza near the west façades of the BBC Scotland building at Pacific Quay in Glasgow. Originally conceived for Potters Fields Park in London, *Powder Blue Orthogonal Pavilion* (2008) was described in a 2008 article for London's Festival of Architecture as, "less a discrete building and more a sculptural collection and arrangement of planes that allow light and space to flow through and between them, setting it one remove from the many functional structures that surround Potters Fields Park."[3]

[2] As of 2012 Up Projects became a National Portfolio Organisation and is now regularly funded by Arts Council England. For further details see: (Up Projects. *Up Projects Website*. 2012. URL: `http://www.upprojects.com`, Last accessed: 21/06/2013).

[3] London Festival of Architecture and Design. "Portavilion: Toby Paterson Pavilion". In: *London Festival of Architecture and Design for London Website* (2008). URL: `http://www.lfa2008.org/event.php?id=336&name=Portavilion%3A+Toby+Paterson+Pavilion`, Last accessed: 21/06/2013.

Figure 4.1: Toby Paterson, *Powder Blue Orthogonal Pavilion*, 2008, Kerto plywood, exterior paint and steel, Dimensions: 1200 x 1200 x 300 cm (Installation view), Commissioned by Portavilion (public project), Potters Field Park, London, 2008, Photo: Richard Green, Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow TMI-PATET-25696.

The work developed out of Paterson's continued interest in exploring the lines between art and architecture. Like much of his work, *Powder Blue Orthogonal Pavilion* draws its inspiration from the built environment, pulling in references to Paterson's interest in post-war architecture and the processes of abstraction within visual art. Developed directly from the visual and formal vocabulary that Paterson has been building in his artistic practice, the work has been described as "an open, interpretable and non-prescriptive form" which draws references to "the 1951 Festival of Britain, and in particular structures such as Erno Goldfinger's kiosk designs and the Regatta restaurant, as well as exhibition designs by Basil Spence, Berthold Lubetkin and Frederic Kiesler."[4]

[4]London Festival of Architecture and Design, "Portavilion: Toby Paterson Pavilion", Last accessed: 21/06/2013.

Figure 4.2: Toby Paterson, *Powder Blue Orthogonal Pavilion*, 2008, Kerto plywood, exterior paint and steel, Dimensions: 1200 x 1200 x 300 cm (Detail), Commissioned by Portavilion (public project), Potters Field Park, London, 2008, Photo: Richard Green, Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow TMI-PATET-25696.

Powder Blue Orthogonal Pavilion is Paterson's first ever large-scale free-standing sculpture and his only attempt at a pavilion structure. Considering that much of Paterson's earlier work has comprised of two-dimensional wall paintings, drawings and paintings on Perspex, *Powder Blue Orthogonal Pavilion* demonstrates a major development in his artistic practice. Paterson discussed the development of *Powder Blue Orthogonal Pavilion* and the concepts underpinning the work, noting that:

> "The idea was very much that it would be a very open structure. Unlike something like the City Hall, which has this pretence toward being a civic space and being very open and inclusive, but in actuality it's not. In reality it is one of the most unwelcoming structures you could imagine. It is pretentious in that sense, as a sort of sealed volume... a sealed black ball [...] I wanted to do something that was entirely functionless [...] the intention was always that it would be open and used by others. I was very interested in this idea of whether it is possible to make something that addressed [...] architecture

> and drawing. I was surprised that once the work was built how much it seemed like it was about drawing – a lot of that was to do with the way the light was working and moving and being not necessarily fluid but fluctuating. I questioned if it was possible to make something that was not prescriptive that looks like a building, but also looks like a sculpture and to place it in a very public space where tens of thousands of people pass every day."[5]

Paterson's comment points to the important role that commissions can play for an artist by creating the opportunity to engage with a unique site and with the audience that context offers. Buck and McClean, draw attention to this feature of a commissioned project, noting that: "On many occasions, [works] need to be specially commissioned for a specific setting, and this site-specificity lends itself to the particularities of the commission."[6,7] Portavilion was conceived with this in mind, introducing a number of site-specific commissions that formed a group exhibition, which took place between June and October, 2008 and involved four new commissions, which in addition to Paterson's work, included work by Dan Graham, Annika Eriksson and Monika Sosnowska. Up Projects has described itself as "a gallery without walls", that aimed to work with artists to facilitate the making of large-scale site-specific works in parks across Central London, forming a trail of unique contemporary artworks in outdoor public spaces, which could be navigated by bicycle, on foot or via public transport.[8]

Drawing support from the National Lottery through Arts Council England as well as a number of other partners, Up Projects played a pivotal role in the development of each of the commissions from pre-production to exhibition. Working directly with the artists, Emma Underhill, lead Curator, insured not only that each of the works were made and presented to the public in a context outside of a traditional museum or gallery

[5]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[6]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 59.

[7]The term 'site-specific' emerged in the United States in the late 1960s when artists like Robert Irwin, Patricia Johanson, Dennis Oppenheim, and Athena Tacha, to name a few, began to make new work in response to a specific, often urban, public environment rather than locating pre-existing artworks in the public domain.

[8]Up Projects. "Portavilion Website". In: *Up Projects* (2008). URL: `http://www.upprojects.com/portavilion2008/about.htm`, Last ckecked: 21.07.2013.

space, but also, in the case of Paterson's *Powder Blue Orthogonal Pavilion,* that some of the works had a legacy beyond the original exhibition. Underhill helped to facilitate the work's entry into the permanent collection at The Mead Art Gallery, University of Warwick, where the work exists today.

The commissioning of *Powder Blue Orthogonal Pavilion* not only contributed to the work's aesthetic (given that it was site-sensitive) by providing it with a unique context, but also to its visibility and ultimately to its dissemination. Although *Powder Blue Orthogonal Pavilion* was not originally intended to have a permanent legacy, and while it was conceived for the context of London's Potters Fields Park where it was originally installed between the London Assembly Building and Tower Bridge during the summer of 2008, this study outlines how the success of the work, its audience response and the profile built up around the commission, in turn, facilitated its entry into The Mead Art Gallery's collection of outdoor sculpture. In turn, enabling the work to have a life beyond the original exhibition and a legacy for local and international visitors to Warwick.

The Portavilion project challenged Paterson to develop his artistic practice by presenting him with a unique context and brief that allowed him to consider new ways of working and to develop aspects of his work, which enhanced his thinking. Paterson's earlier remark draws attention to how the open remit of the commission allowed him to be both incredibly ambitious and experimental and to test out ideas related to scale, function, colour, light and space. It is likely that since Paterson and the other commissioned artists were already well-established in their respective practices at the time of Portavilion (all of the invited artists were exhibiting internationally) that this may have influenced the freedom afforded to them in this project. He commented on how the context of the commission influenced many of his decisions during the making of *Powder Blue Orthogonal Pavilion* and how these features became a part of the relationship between the work and the site as well as to the audience's engagement with it:

> "A lot of people picked up on the colour, which I expected. There was a sort of tangential reference to the blue of Tower Bridge, the blue in the dazzle camouflage of the HMS Belfast, but also the colour was specific to the colour of the grass and it was the landscape quality of being, ground and sky. I was also hopeful about finding a colour, although it's a cool colour, that would still look warm in the sun [...] It was warm in the sun and when it was overcast it became kind of silvery and quite ghostly. I wanted it to be very light physically and in terms of how it looked. There was a reference back to the Southbank and the kind of prime laboratory since the Second World War looking through to the Hayward and the National Theatre and all of those things, so that sort of tension and the modern architecture that surrounds this sight. Its legacy is the bombastic side of post-war Britain as apposed to the more filigree, lightweight, festival of Britain style both of which I'm very interested in."[9]

Paterson's description reflects the important role that the choice of the site played in the development of *Powder Blue Orthogonal Pavilion*, as the site became a key feature which guided many of his choices and ultimately dictated the aesthetic qualities of the work. In particular, the style and colour of the work, were a response to some of the existing architecture in the south of London and were reflected in the scale and materials used. Assistant Curator at the Mead Art Gallery, Elizabeth Dooley, wrote of Paterson's work that:

> "Powder Blue Orthogonal Pavilion by Toby Paterson is an apparently 'functionless' building though there are hints of possible uses within its arrangement of abstract planes and its references to familiar architectural structures such as bandstands and summer houses. It permits a visual interaction with the surrounding environment at the same time as inviting the participation of passers-by."[10]

The above account highlights the aesthetic qualities of the work, its relationship to the environment in which it was shown and its function as a piece of public sculpture.

[9] Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[10] Elizabeth Dooley. "University of Warwick Art: Powder Blue Orthogonal Pavilion by Toby Paterson". In: (2011). URL: `http://www2.warwick.ac.uk/services/art/artist/tobypaterson/wu0862/`, Last accessed: 21/06/2013.

This description reinforces the particular attention given to the site in the development of the work and how this fed into the public's engagement with it. *Powder Blue Orthogonal Pavilion* is a public artwork that was made in the context of a "mobile public art project" and was initially intended to be temporary, a feature of the commission that has become a key part of the work's legacy.[11]

As part of The Mead Art Gallery's collection of outdoor sculpture, the work is regularly reinstalled in different locations across the University's campus and acts as a mobile, yet permanent, piece of public sculpture. The temporary remit of Portavilion provided a very open framework, which together with the flexibility of the brief for the commission, allowed Paterson to experiment in ways which may not have been possible within a more permanent context. Up Projects reported that "the brief to the artists was not prescriptive" and that due to this, the works created for the project "grew out of the diversity of [the artists'] approaches and their responses to the park environment."[12] Portavilion Curator, Emma Underhill said:

> "I think temporary structures in public space are really exciting for several reasons. Partly it's about the combination of bringing sculpture and architecture together with a socially engaged practice. I think often those three things come together when you are doing a project like this. Also the temporary nature of it means that you can be a lot more experimental, you can do a lot more than you might be able to if it was a permanent intervention."[13]

Underhill's statement underpins how the temporary nature of the commission became a key part of the experimental nature of the project, enabling the artists the chance to work with new materials and methods of construction. It also demonstrates a high level of trust. Since, while the commissioning of *Powder Blue Orthogonal Pavilion* was part of a dependent creative process, Paterson was still afforded a great amount of creative freedom in the development of his work. Despite the fact that all of the

[11] Dooley, "University of Warwick Art: Powder Blue Orthogonal Pavilion by Toby Paterson", Last accessed: 21/06/2013.

[12] Up Projects, "Portavilion Website", Last accessed: 21/06/2013.

[13] Saatchi Gallery Magazine Online. *Review: Up Down Under*. 2008. URL: `http://www.saatchi-gallery.co.uk/artandmusic/?cid=529\&b_log=529`, Last accessed: 21/06/2013.

artists involved in the project had experience of commissions prior to this, the remit for Portavilion was particularly ambitious in that it encouraged the artists to experiment. Experimentation was an underlying premise of the project. The willingness to take such risks to facilitate higher levels of creativity is essential for innovation.[14] Thus, this can be seen as one of the primary benefits offered by the Portavilion commissions. This was reflected in Paterson's decision to work with new materials and to experiment with scale and colour in the development of his work. In particular, his choice of Kerto plywood as the primary material for the work was selected in order to create a structure, which as he previously described, would be both "aesthetically and physically light", features that were intended to make the work appear open and more accessible. In this sense, the Portavilion commission offered Paterson the opportunity to make a work that moved between sculpture and architecture and in doing so would sit in contrast with much of the contemporary urban architecture around the site, which he referred to as "the bombastic heavy stuff" surrounding Potters Fields Park.[15] Paterson remarked that:

> "I was in many ways keen to undercut that [the heavy architecture around the site] and focus this work on the individual and the city and the possibility that each person that went there would probably see something different about the work, but also incorporate their individual experience of the city around the work."[16]

Paterson's comment highlights how the work related to its environment and the audiences who visited it. The commission created a unique opportunity for Paterson to create a work in response to the context of Potters Fields Park, the City of London and the architectural landscape surrounding the park. In this sense, it can be suggested that it was not only the curator who commissioned the work, but the site itself. Unlike other public commissions Paterson had undertaken previously for permanent projects like the Royston Road Project and the BBC Scotland building, previously mentioned,

[14]Desai, "Constrained Growth: How Experience, Legitimacy, and Age Influence Risk Taking in Organizations".

[15]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[16]Ibid.

the temporary nature of the Portavilion commission gave him the ability to engage with a unique public space in a very open and non-prescriptive way. Paterson described the commission as "entirely self generated" and stemming from the opportunity of "trying to think around the idea of being asked to design something literally out of the blue and to make it without any parameters such as a brief."[17] When asked whether the commission allowed for artistic growth, Paterson remarked that:

> "Yes, Portavilion is an example of that as was the BBC [...] The requirements were such that it encouraged me to think in a completely different way. I think about how to do something in space [...] that is what I meant earlier when I said that it felt more like drawing than anything else at the end. It felt like placing lines in space [...] and all of this was relatively new territory for me. It definitely encouraged me to work with new materials. The Kerto plywood was new to me, also [...] not just making a maquette [...], but making a maquette that was key to the development of the work – and thinking if this stands up on a table in my studio it will probably stand up when it is fifty times the scale in reality. So that was a different approach."[18]

The above description identifies some of the ways in which the Portavilion project opened up new opportunities for Paterson to experiment and to push the boundaries of his artistic practice by engaging with a public context and the features of a unique outdoor site, which challenged him to negotiate new ways of thinking in relation to scale, space and use of materials. Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising" noted that identifying new and untried ways of communicating messages involves risk, as creativity involves newness, therefore creative outcomes involve risk.

Paterson also reported on more general aspects of the commission, which enhanced his experience as an artist by introducing him to different institutional processes that impacted the viability and long-term scope of his practice. He discussed the impact that commissions have had on the evolution of his practice, stating that:

[17]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[18]Ibid.

> "They are very important. Not just to make new work and establish yourself, but actually just to survive being an artist. In a quite raw way, the Royston Road Commission allowed me to give up my part-time job, get a studio, change my life, actually make that leap [...] That commission allowed me to become a properly independent artist. Without that if I had just been in a wee studio beetling away, things would have moved a lot slower [...] No one should underestimate the horizon broadening capacity that commissioning processes have because they get you out of your studio and [...] into different contexts. They get you into meeting rooms, and architects offices and they get you to engage with curators elsewhere outside of the city in which you live and work. It forces you out of your comfort [...] I think every artist can benefit from it when they have the opportunity [...]."[19]

Paterson's comment highlights a number of less quantifiable benefits of the commissioning process such as the experience of working with different arts professionals and the opportunity to make work in response to different contexts and audiences. The opportunity to work with different specialists, engineers and technicians to develop a successful project and the experience of adapting to and managing a variety of different political and social structures is a crucial part of the commissioning process for contemporary artists. This was underpinned by Buck and McClean, who wrote:

> "Commissions enable artists to create ambitious work that might not otherwise be possible. The commissioner, or commissioning agent, can give the artist access to specialist technical, curatorial and practical support, as well as funds, that might not normally be available to them."[20]

In Paterson's case, commissions have offered different benefits at different points in his career, most crucially the chance to focus completely on his practice and to make that critical jump between being dependent on other means of employment outside his art to becoming a full-time artist. This is where arts institutions can have a vital role in the development and professionalisation of artists. By taking creative risks with early career artists, who are yet to have had the experience of a major commission, through

[19]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[20]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 56.

a commissioning process, museums and galleries are empowering artists and supporting new creativity.

Commissions have pushed Paterson to make work in different contexts both in and outside traditional museum and gallery spaces and lent him access to the financial and technical resources necessary to begin working in new ways. This is perhaps best articulated in his transition from wall painting and painting on Perspex in the context of museum and gallery spaces to his development of large-scale sculptural works for outdoor public sites.

The commissioning of *Powder Blue Orthogonal Pavilion* is a unique example that illustrates how commissions can expand an artist's practice. Here we see Paterson's interest in urban architecture and the structural environment of cities shift from drawings and paintings on one dimensional wall spaces, such as in *Black Elegy* (2004) and *After the Rain* (2005) to the removal of line and form from the wall, in *Powder Blue Orthogonal Pavilion*, and a placement of those forms in three dimensional space.

Another important aspect of the commissioning process for artists, is access to resources. These can be financial, such as providing access to the funds required to pay for materials or the production costs for a new work to more practical considerations like access to a particular site or context, equipment or technical expertise, which would otherwise be inaccessible and beyond many artists' financial means. This was underpinned by Buck and McClean, who reported that:

> "There tends to be a limited market for ambitious work that demands a very particular setting (and that may not lead to obvious projects that can be owned) and artists often seek commissions for the security of knowing that production costs are covered and, in some cases, a sympathetic owner guaranteed."[21]

[21] Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 59.

When asked whether commissions offered mutual benefits to artists and arts institutions, Paterson said:

> "[...] through commissioning processes often quite ambitious work gets made that would never otherwise be made [...] Whether you are talking in my case about the Portavilion Project, or the Barbican body of work, neither of those works would have come to be at all or have been made to the degree of intensity that they were without a commissioning process [...]. Through a commission a work gets made and then acquired or in the case of Portavilion [a] work gets made and it may go on somewhere else, such as a public collection."[22]

In addition to offering necessary resources to artists and the opportunity to locate their work in different contexts, commissions also create important opportunities for artists to have their works seen by different audiences, which can enhance the status of the artist and have important long-term benefits for an artist's practice. Commissions increase the visibility of an artist's work, which may strengthen the profile around their art and led to further opportunities for exhibitions, commissions and sales of their works. Paterson discussed the benefits commissions have had on generating public exposure to his work and on developing a profile around his art, stating that:

> "[Commissioning] does propel your profile [...] because the work is out there in the world and it ends up in blogs and in the case of Portavilion it has received reviews from various different papers. All of these things are a kind of ancillary thing [...] It is more complicated than that when it comes to your own sense of confidence, in terms of building up a feeling of rightness with being where you are and what you are doing, that is the kind of profile raising that is interesting. When you feel that a work is quite good and it has been seen by a lot of people – not that that will translate into anything tangible, but more just the experience that it is in the world and it's real and being engaged with."[23]

[22]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[23]Ibid.

The acquisition of *Powder Blue Orthogonal Pavilion* by the Mead Art Gallery, where it is regularly exhibited in outdoor sites across the University's campus, demonstrates the potential commissions can offer to artists in advancing their practices. Paterson commented that:

> "It is great that the work has gone somewhere, to a collection that focuses on outdoor public work [...] In a way it never felt like something that would sell and that was never the intention because of the temporary nature and the scale of it, so it was a nice surprise."[24]

4.2.1 Risks to the Artist

As the preceding chapters have shown there are risks involved for museums and galleries in commissioning new work from artists, however, it is also important to mention that in accepting a commission, an artist also undertakes certain risks. While the risks associated with commissioned work for museums and galleries have been presented and considered, risks to the artist are often less visible and require greater attention. When asked whether there are risks involved in making work in the context of a commission? Paterson said:

> "Yes, lots. That you put loads of time into something and it doesn't transpire. [...] There was a time when I thought even the BBC wouldn't come off and that was a real worry because I didn't have a contract. I had put tons of work in and spent a lot of money and if it had fallen through it would have been a huge problem. That is a risk, the other risk is falling out with the people with whom you are working [...]. The other risk is over committing and missing other opportunities as a result of being tied in contractually to do something you wish you could get out of. These are things [...] you have to consider when you are weighing up whether or not to take on a commission."[25]

Paterson's statement points to a number of issues that artists face when they accept a commission. In a dependent creative process artists are particularly vulnerable

[24] Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[25] Ibid.

to breakdowns in the administerial side of a commission. Firstly, if the artist invests time, money and resources in preparing a proposal and developing a work and the project does not go through to fruition (either it is stalled or terminated) (s)he is subject to considerable losses. There is also the added risk for the artist of investing time and resources in a project that does not go ahead and by doing so missing other opportunities to make new work, thereby incurring further losses. This is where, by accepting a commission, the artist is trusting the commissioner to maintain his or her commitment to the project and to remain faithful to their agreement. To prevent breaches in trust, it is important that museum and gallery commissioners think practically about the time, resources and commitment that is required to commission a new work before approaching an artist, as breaches of trust can not only damage relationships between institutions and artists and impact the success of a project, they can also have negative impacts on an artist's practice and reputation. Likewise, this also holds true in relation to artists maintaining their commitments and behaving accountably. This is where museums and galleries could offer additional support to artists not only by commissioning new work, but by investing in high levels of trust. This was further underpinned by Paterson, who noted that:

> "I think the biggest problem is the goal-post shifting, you know it wasn't a problem that for example with Portavilion, the work got delayed a year, but it could have been a problem, and it was a problem for one of the other artists working on the project [...] Things can go bad in a general sense, people can be flaky [...] so that is another thing."[26]

There are also practical issues that artists must consider, when making work for a public context, either within or out with a museum or gallery space, but particularly in an outdoor public context. For example, there is the potential for things to go wrong as a consequence of a failure in the structural integrity of a work. This was suggested by Paterson, who noted that, "[...] a work could collapse and kill someone... the artist has

[26]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

to be concerned about the public around a piece of work, but also his or her reputation is at stake. There are all of these different things to consider as potential risks."[27]

The previous comment points to another risk that artists face with a commission, the risk of loss of reputation and trust that could arise as the result of a failed commission, which was outlined in the Introduction of this thesis. A commission deemed unsuccessful, either due to a failure in the material integrity of the work or simply because the work did not meet the standards set by the commissioner, could result in not only immediate, but also long-term losses to the artist. This is because successful commissions, which draw public attention can and often do lead to further opportunities to make new work, whereas a failed commission may compromise the artist's reputation and close-off the possibility of being selected for future projects. We see here how reputation and trust coexist in relation to the commissioning of new work and how this can place artists within a paradoxical situation. This is due to the fact that experienced artists who have built up a strong profile of successful projects may be seen to present less of a risk to commissioning agencies seeking to commission new work. Conversely, younger, less established artists, who are yet to have a track record of successful projects, in this regard, can be seen to be more of a risk for a commissioner. Paterson highlights this by discussing one of his early commissions for the Royston Road Project, arguing that:

> "If it were ten years ago and a museum had come to me and said we have got £2,000 to spend on making a show and we can pay you £1,500, I'd have jumped at that opportunity. I remember with the Royston Road Project being paid £1,500. I never had so much money in my life [...]. If you are [...] at that stage where you are showing promise and you get an offer like that, that is great, and that is morally very sound. The problem is these institutions won't take those risks, artists have to be well-established to get an opportunity [...] there is a slowness and a conservatism to these kinds of places, by their very nature, which means that such things won't happen."[28]

[27]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[28]Ibid.

From this we can conclude that in the context of commissioning, exchanges, experience, reputation, risk and trust are tightly woven together, where experience has a negative correlation with risk – simply stated, as the experience of the artist increases, so too does the potential for his (or her) reputation to be tested and therefore risk is reduced as a consequence of the trust gained through these exchanges. Therefore, risk-taking is a necessary part of improved performance since experimentation is a key part of creative advancement (e.g.: the more things tried the more opportunities to reach a successful outcome).[29] However, in the context of organisations, performance shortfalls often lead to risk aversion.[30] This was underpinned by Desai, who claimed that in the context of organisations: "People shy away from challenges due to a fear of failure. However, risking failure is required if a person wants to overcome a challenge and turn it into a valuable improvement."[31] With this in mind, a genuine commitment to the creative advancement of artists calls on museums and galleries to take risks with artists. It would seem then that risk has a large part to play, not only in the willingness of museums and galleries to commission new work from artists, but also in the choice of which artists to select for a commission. This may be another indicator as to why until very recently in the UK it has often been the case that the same, well-established artists are selected for commissions rather than early-career artists, who are yet to have had a commissioning opportuniity. Even though, as Buck and McClean point out:

> "For a well-known name to agree to take the time and effort to make a special piece is a testament to the status and 'pulling power' of the commissioner. The art and the artist may be ostensibly at the centre of the commission, but nonetheless this does not prevent the patron from benefiting from the association with the maker. Equally, if the artist is young or emerging, then a successful early commission points to the courage of the patron or

[29]Desai, "Constrained Growth: How Experience, Legitimacy, and Age Influence Risk Taking in Organizations".

[30]Wiseman and Bromiley, "Toward a Model of Risk in Declining Organizations: An Empirical Examination of Risk, Performance and Decline".

[31]Desai, "Constrained Growth: How Experience, Legitimacy, and Age Influence Risk Taking in Organizations", p. 595.

> the expertise of their artistic advisor, who can then be applauded for their prescience and ability to take a risk.".[32]

This is where museums and galleries could begin to take greater risks by putting their trust in emerging artists as well as those who are more established. Because early-career artists tend to command considerably smaller sums for their works, by investing in artists at an early stage by commissioning new work, museums and galleries support the development of new work that could have a long-term legacy for both the artist and the institution. Paterson commented on the important impact that commissioning opportunities have on helping artists to develop new work, suggesting that:

> "Without these commissions I would have never started thinking about these things in this form [...] because why would I ever sit in the studio without an opportunity with a piece of paper, thinking maybe some day I will build a Pavilion because I would be too busy making work that I could make independently, right there. The importance that commissioning opportunities allow are paramount to the making of new work."[33]

Commissioning processes do pose risks for both artists and commissioners, however by accepting the potential risks, and by behaving accountably and investing in cooperation and trust, both parties open up the potential for mutual benefits in the exchange – commissions offer opportunities for artists to make new work and gain the valuable experience necessary to develop their artistic practices and to be able to continue to survive as artists and they offer the chance for museums and galleries to conserve resources by investing in the work of artists at an early stage. The commissioning and subsequent acquisition of Paterson's *Powder Blue Orthogonal Pavilion* demonstrates both the benefits and the risks associated with contemporary art commissions, however it also draws attention to the long-term importance that commissions can have for both artists and museums and galleries.

[32]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 32.

[33]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

The commissioning model for Portavilion was so successful that it lead to consecutive projects in London in 2010 and 2011 and a similar international project in New Zealand, Pavilion Splore in 2012, which included new work by Auckland-based artists Cut Collective in collaboration with architect Jasper Middleton for the Splore Festival 2012 at Tapapakanga Regional Park.[34] The final project in London was in 2011 for *The Floating Cinema*, which hosted thirty-one different film related events, including films by sixty different film makers eight of which were new commissions. In this case, UP Projects worked with a number of Hackney-based artists to develop an extensive cultural project for the East London waterways that sought to connect the communities of the Olympic host boroughs with the new Olympic Park. Portavilion 2011 was funded by the Olympic Delivery Authority (ODA) as part of their Arts and Cultural strategy for the Olympic, Inside Out, and Arts Council England. The project also drew together additional partners, such as Studio Weave and Somewhere, as well as a host of other local makers and refurbishment specialists, to support the conversion and new design of an old British Waterways work boat into a floating cinema.[35]

Portavilion Splore 2012 is a continuation of Underhill's Portavilion series that takes place in London's public spaces and explores the possibilities for temporary, large scale public art that engages the community and encourages participation.[36] The '2011 Portavilion Evaluation Report', published in December, 2011 reported that the project "engendered a much more holistic involvement that facilitated a very genuine level of engagement particularly with the waterways communities" and how "the outdoor screening events were [...] hugely popular achieving audience numbers of 3-400 people which greatly exceeded expectations."[37] As the following case study will reflect, and as we have

[34]Splore 2012 is an outdoor visual arts and music festival supported by the British Council and Creative NZ. For further details see: (Splore Website. *Splore Visual Arts Website*. 2012. URL: `http://www.splore.net`, Last accessed: 21/06/2013).

[35]For further details of Portavilion 2011 including and evaluation report see: (Up Projects, "Portavilion Website", Last accessed: 21/06/2013).

[36](The Big Idea. *Arts at Splore 2012*. 2012. URL: `http://www.thebigidea.co.nz/news/whats-on-show-reviews/2012/feb/113303-arts-at-splore-2012`, Last accessed: 21/06/2013).

[37]See: 'Portavilion 2011: The Floating Cinema UP Projects Evaluation Report', December 2011: 3-4, at(Up Projects, "Portavilion Website", Last accessed: 21/06/2013).

seen in the case of *Powder Blue Orthogonal Pavilion*, some of these commissions have been so successful that they have subsequently been acquired by public arts institutions.

Splore Festival Director, Amanda Wright noted that the, "opportunity to work with Underhill and Splore to create a functional space that reflects Cut Collective and Middleton's concept is an opportunity to experiment and extend the groups arts practice."[38] In terms of the legacy of the Portavilion commission for Paterson, he described that:

> "It tends to feel like the start of something rather than the end [...] It felt like it was a fresh thing that I stumbled across. Now there is a new thing I am starting with Peacock Visual Arts in Aberdeen, I'm going to be making a series of prints that respond to the work for the Portavilion [...] It definitely didn't feel like an end point when this was done the way it does when an exhibition finishes and it is also not because it is going on to the Mead Gallery at Warwick University."[39]

As Paterson illustrates, commissioning processes can open up possibilities for artists to explore new ways of working, which can have both immediate and long-term benefits.

Powder Blue Orthogonal Pavilion has extended into other parts of Paterson's practice, in particular, the series of screen prints he made for Peacock Visual Arts in Aberdeen. Works like *Ludic Briccolage*, *Randomised Array* and *Array*, created in 2011, combine, layer and retrace his practice, drawing inspiration from previous commissions. These works appeared as part of a suite of seven unique prints, which were presented as part of a larger group of works for the 'Inchoate Landscapes' exhibition at Peacock Visual Arts that same year. When discussing these works, Paterson recounted that: "They may even simply seem like the right companions to bring together at this point

[38]The Big Idea, *Arts at Splore 2012*, Last accessed: 21/07/2013.

[39]Hanley, "Interview: Toby Paterson 'Collecting and Commissioning Contemporary Art' (Unpublished)".

in time, and in that sense the aggregation of the things that make up this show will echo the fluctuating state of the cities that inspired the work in the first place."[40]

This confirms Paterson's earlier statement that Portavilion was "the start of something rather than the end", a claim that is demonstrated by both the acquisition of *Powder Blue Orthogonal Pavilion* by the Mead Art Gallery, where it will have a permanent legacy for the University's students, staff and visitors to the City of Warwick, but also, though less visibly, by the impacts that the commission have had on the development of Paterson's practice. In doing so, *Powder Blue Orthogonal Pavilion* is an example of how commissioning processes can have mutual benefits for artists and museums that extend beyond a single project.

4.3 Case Study 2: Martin Boyce – No Reflections

Commissions can present situations which challenge and inspire new creative directions for artists and their works either by providing access to specialists, financial support or by providing space for an intervention in a particular place or situation that would otherwise be impossible outwith a commissioning process and the prestige such interventions offer. This was underpinned by Buck and McClean, who note that:

> "Examples abound of artists being pushed by the parameters of the commissioning process to explore new creative avenues, or of the circumstances of a commission providing the facilities or the funds (or both) to develop aspects of an artist's work that would hitherto have been impossible to achieve. Sometimes this can trigger a new body of work; sometimes it can be a one-off foray into a new medium.".[41]

Commissions for biennials and art fairs, which have become increasingly popular in the last two decades, have offered artists just such opportunities – to make new work for

[40] Peacock Visual Arts. "INCHOATE LANDSCAPES // Toby Paterson". In: *Peacock Visual Arts Centre for Contemporary Art Website* (2011). URL: `http://www.peacockvisualarts.com/events/353/inchoate-landscapes-toby-paterson`, Last accessed: 21/06/2013.

[41] Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, pp. 70–71.

different contexts and to exhibit it to internationally. This was the case with the body of work for 'No Reflections' (2009) by Glasgow-based artist, Martin Boyce, which was commissioned and curated by Dundee Contemporary Arts (DCA) with support from the Scottish Arts Council (SAC), the National Galleries of Scotland (NGS) and the British Council, for the Scottish Pavilion at the 53rd International Art Exhibition - La Biennale di Venezia (Venice Biennial Art Fair).

First exhibited in Venice between June and November 2009, this body of work was subsequently represented in Scotland at DCA from December 2009 until February 2010. Boyce's 'No Reflections' was the fourth Scottish presentation at the Venice Biennale and the first solo show for the Scottish Pavilion and demonstrates a recent trend in the commissioning of contemporary art for exhibition. What is distinct about this model of commissioning is its international remit, which unlike the Portavilion commission, used the commission for the Venice Biennale as a means of facilitating the making of new work by major Scottish artists for exhibition internationally as well as in Scotland. In doing so the 'Scotland-Venice' commission offered Boyce the chance to have international audiences engage with his work in Venice and, by reexhibiting the work in Scotland, offering opportunities for local visitors in Scotland to view a major new body of work (created for an international biennial), drawing greater attention to the work of Scottish artists and museums and galleries.

The first presentation for the Scottish Pavilion included works by Claire Barclay, Jim Lambie and Simon Starling for the group show 'Zenomap' (2003), which was solely supported by the SAC and the British Council. However, the forthcoming Scottish presentation 'Selective Memory' in 2005 was a joint venture, which drew together newly commissioned works by Alex Pollard, Cathy Wilkes, Joanne Tatham and Tom O'Sullivan for a two-part exhibition, of new work, which was represented at the Scottish National Gallery of Modern Art after its initial showing in Venice. 'Selective Memory' was the first Scottish presentation for the Venice Biennale to draw together funding support from

several different partners, including the SAC, the British Council, NGS, the Esmèe Fairburn Foundation and the Foyle Foundation, using a commissioning model to facilitate the making and presentation of a series of new works for exhibition in Venice and Scotland. The commissioning and joint showing of 'Selective Memory' offered the opportunity for Scottish audiences to engage with the work of internationally acclaimed artists, who had been selected to represent Scotland at the Venice Biennale. SAC Chairman, Richard Holloway commented in 2005:

> "Scotland's presentation at the Venice Biennale demonstrated the vibrancy of Scottish contemporary art on the world [...] The homecoming of these artists' work creates an opportunity for the people of Scotland to see what we presented to the world audience together with additional new work by the artists."[42]

The success of the funding partnership and the approach to commissioning for Scotland's presentations at the Venice Biennale has extended into subsequent projects, adopting additional funding partners, including municipal museums and galleries such as Aberdeen Art Gallery and Museums (which was a home venue), which collaborated with the SAC, the British Council Scotland and NGS in 2007 to co-present work by artists: Charles Avery, Henry Coombes, Louise Hopkins, Rosalind Nashashibi, Lucy Skaer and Tony Swain. This time, the work was represented at Aberdeen Art Gallery with support from Aberdeen City Council's City Growth Fund.[43] While Aberdeen Art Gallery and

[42]Culture 24 Website. "Scottish Artists Bring Venice Biennale Home To Edinburgh". In: *Culture 24* (2005). URL: `http://www.culture24.org.uk/art/sculpture\%20\%26\%20installation/art32286`, Last accessed: 21/06/2013.

[43]In 2003 the Scottish Executive approved a £90 million growth fund to develop the quality of urban life for local inhabitants. The growth fund was shared across six of Scotland's major cities, which included: Aberdeen, Dundee, Edinburgh, Glasgow, Inverness and Stirling and aimed at forging partnerships between the respective cities in various areas including cultural events and capital and regeneration projects. Aberdeen received £11.5 million. The growth fund proposals were focused on "diversification, internationalism, skills, infrastructure and culture for the city's future direction". This included £1.5 million on the Energy Fund, £1.5 million on Urban Realm, £1.2 million for a development company and £1 million for an Arts Fund. For further details see: (The Scottish Government. *Cities share 90 million pounds growth fund.* 2003. URL: `http://www.scotland.gov.uk/News/Releases/2003/07/3756`, Last accessed: 21/06/2013) and (Aberdeen City Council. "Aberdeen City Council Budget 2004/2005". In: *Aberdeen City Council* [2005]. URL: `http://www.aberdeencity.gov.uk/council_government/performance/financial_information/ctx_budget0405_1.asp`, Last accessed: 21/06/2013).

Museums was not involved in the commissioning of the work and served as a host for the 2007 'Scotland and Venice' exhibition, they did subsequently acquire commissioned works by both Charles Avery and Henry Coombes through the NCSS partnership.[44] Christine Rew, Art Gallery and Museums Manager for Aberdeen Art Gallery, discussed the exhibition stating that:

> "We are delighted to be working in partnership with Scotland and Venice 2007 to present this magnificent exhibition at Aberdeen Art Gallery. By bringing the exhibition to Aberdeen those who live and work in the North East as well as further afield will have the opportunity to see the special, ground-breaking quality of art created in Scotland today, which has earned the country an international reputation for progressive innovation.".[45]

The benefits of the approach to the 2007 Scotland and Venice presentation was echoed by Boyce's solo show 'No Reflections' (Figure 4.3 and Figure 4.4), which followed in 2009. This time the invitation focused on the commissioning of an entirely new body of work, which was made especially for the Palazzo Pisani in Venice before being represented in Scotland at DCA. The commission and the presentation of the work was supported by three of the previous 2007 funding partners; the SAC, the British Council Scotland and NGS, however this time Judith Winter, Director of DCA commissioned the work. The joint commissioning of new work for 'Venice and Scotland' has presented economic, social and cultural advantages by drawing together different funding partners and pooling resources to support large-scale projects by major artists, extending access to different audiences to emerging contemporary art. Commissions have contributed to this by introducing partnership models for both making and funding ambitious contemporary art, the scale of which would not be possible outwith a joint venture. This has been particularly important in recent years, where funding resources for public museums and galleries have become increasingly scarce. In doing so, partnership projects have also

[44]For further details of the 2007 'Scotland and Venice' exhibition see: (The Scottish Arts Council. "Aberdeen Art Gallery hosts homecoming Venice Biennale exhibition". In: *The Scottish Arts Council Website* [2007], Last accessed: 21/06/2013).

[45]Scotland and Venice. "Aberdeen Art Gallery Hosts Homecoming Venice Biennale Exhibition". In: *'Scotland and Venice' Website 2007* (2007). URL: `http://www.scotlandandvenice.com/archived/07/aberdeen.php`, Last accessed: 21/06/2013.

led to stronger interorganisational partnerships across the UK visual arts sector. Large-scale commissions, such as 'Venice-Scotland', reflect this through the complex scope of organisational partnerships involved. Buck and McClean reported that:

> "Elements from different commissioning models are often combined to enable a particular project to come to fruition: for example, a private individual or group of patrons may co-sponsor a project for a civic site or partner with a commissioning organization, while public museums across the world increasingly rely on partnerships with private patrons and the commercial sector to enable them to achieve particular commissions."[46]

As a model for shared support, the commissioning of 'No Reflections' has been mirrored by other UK arts organisations and institutions. In 2009, Tate, Outset, The Art Fund and the British Council embarked on a similar venture to commission a new film by artist, Steve McQueen for the British Pavilion. McQueen's *Giardini* (2009), is an example that further demonstrates the growing interest around the commissioning of contemporary works of art in the UK and its use as a strategy for making and exhibiting ambitious art in different spaces. Other UK Arts Organisations who have applied a similar model, and successfully used commissioning as a way of showcasing contemporary art in and outside of gallery spaces both nationally and internationally are organisations such as Artangel (1985), Film and Video Umbrella (1987) and Modus Operandi (1999), all commissioning organisations based in London.

The work of these organisations, like biennial commissions, have drawn attention to the unique potential for commissioning processes to facilitate ambitious contemporary art that has both engaged and challenged its audiences. Projects such as these demonstrate the benefits of working directly with artists. They have also shown a strategic drive in the UK to join ambitious commissioning with collecting. Examples like the 'Scotland-Venice' commissions as well as commissions by organisations like Artangel

[46]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 19.

Figure 4.3: Martin Boyce, 'No Reflections', 2009, (Installation view), Mixed Media, Palazzo Pisani: Scotland and Venice (Jun.- Nov. 2009), Commissioned by Dundee Contemporary Arts, the National Galleries of Scotland, the British Council and the Scottish Arts Council, 2009, Photo: Courtesy of the Artist and The Modern Institute/-Toby Webster Ltd, Glasgow.

have over-seen the making of new work that has been identified as having significant

long-term importance, a number of commissions have resulted in subsequent acquisitions by public and private art collections. Such as the acquisitions of commissioned works by Charles Avery and Henry Coombes mentioned earlier or more recently the series of twenty-one film and video works, which make up 'The Artangel Collection' commissioned by Artangel, which were gifted to Tate in 2011. These works will have a permanent legacy for audiences in London, and through dissemination, to museum visitors throughout the UK.

These projects have demonstrated how the commissioning of contemporary art has increasingly become an important part of museum and gallery work. High-profile examples, such as those previously introduced, further demonstrate the growing interest around the commissioning of contemporary works of art in the UK and its use as a strategy for making and exhibiting ambitious art in different contexts. They also show how, by working closely with artists and other commissioning partners, commissions can build trust across the sector and internationally. Rob Bowman, Director at Artangel, remarked that: "The landscape of funding is characterised by fear. It is necessary to be clear and honest with funders and to create a micro-climate. It all comes down to trust. The artist trusting us with their ideas. And for us, if you can provide funders with information and show that you are not there to screw them up, but rather to make a project happen. This establishes credibility."[47] These factors contributed to the context of the commissioning of Boyce's 'No Reflections', which is the focus of this case study.

In this study, the commissioning model is examined in relation to Boyce's working process for 'No Reflections'. It investigates how the work fit into the broader scope of his artistic practice and highlights the benefits and challenges associated with making new work in the context of a high profile international festival commission. The process undertaken by Boyce in the development of the work for 'No Reflections' reflects broader theoretical undertones outlined in Chapter One and Chapter Two, such as the

[47] Chris Osburn. "Newly Launched Artangel Collection to Bring Arty Film and Video to the Masses". In: *The Londonist* (2011).

importance of cooperation, communication and prestige, which underpin the commissioning of new art. These theoretical ideas will be explored through Boyce's experience, choices and decisions in the making of the work for 'No Reflections' and in relation to the evolution of his artistic practice.

Boyce's work explores features of modern architecture and design. He uses non-organic geometric forms, such as those presented in works like *Our love is like the earth, the sun, the trees and the birth* (2002) at the Gallery of Modern Art Glasgow and *This Place is Close and Unfolded* (2008) exhibited at the Westfälischer Kunstverein in Münster, Germany, which use abstract right angle forms to create large-scale sculptures that dominate the spaces and create immersive atmospheres. His works, frequently large in scale, relate to and are often shaped by the particular sites and spaces where they are made. Boyce regularly uses large scale multi-faceted installations, sculptures and murals in order to transform spaces into unusual atmospheric environments. The National Galleries of Scotland reported that:

> "Installation plays a significant role in Boyce's practice and although the artist has commented that they have a 'hard, frozen quality', it is unquestionably the most captivating and immersive aspect of his work. Recalling familiar public spaces such as playgrounds, pedestrian walkways and abandoned or disused sites, Boyce's installations have a ghostly and somewhat disquieting characteristic. He deliberately creates a sense of human presence with the scale, proportion and familiarity of the pieces registering on a subconscious level. When taken along with the titles, which often intentionally incorporate words such as 'we' or 'you', Boyce invites the viewer to step into the work. These stage-sets shift attention towards an imagined world where the past, present and future mix.".[48]

These threads run through Boyce's work for 'No Reflections', where he transformed seven joining rooms of the Palazzo Pisani into an immersive environment. The site, which was selected specifically by Boyce at the start of the commission, introduced a series of

[48]NGS. "The development of Martin Boyce's sculptural vocabulary". In: *National Galleries of Scotland* (2010). URL: `http://www.nationalgalleries.org/collection/martin-boyce/9261/9266`, Last accessed: 21/06/2013.

linked installations that filled the rooms of the fifteenth century palazzo. Drawing on the theme of abandonment recurrent in Boyce's *oeuvre*, the work for 'No Reflections' created a tension between the old and the new by creating a series of modern forms that responded to the context of the decaying environment of the palazzo and the City of Venice as a whole. When discussing the site Boyce commented that:

> "My first site visit was my first ever visit to Venice so it was pretty amazing just to experience that. I'm not sure what we were looking for, just something that I could respond to and have a good feeling about and on the last site visit we saw the Palazzo Pisani. There was [...] something about the height (it was on the top floor) and the light coming in and the breeze. There was a mixture of wooden floors and terrazzo floors and there was [...] this abandoned quality that I immediately felt something for.[49]"

The work featured modernist forms typical of Boyce's sculptural vocabulary, in particular, a motif, taken from a photograph of four concrete trees, which were created by Joël and Jan Martel for the 1925 'Exposition des Arts Dècoratifs' in Paris, reoccurs throughout the work in different forms. The work also included "an empty reflection pool with giant stepping stones, sculptural versions of autumnal leaves, text tumbling down the walls, and ominous, angular chandeliers.".[50] While 'No Reflections' can be seen to have built upon existing narratives within Boyce's work, the series of works had a very immediate connection to the spaces of the Palazzo for which the work was originally made. Describing the process of the work's conception, Boyce explained that: "I didn't have an idea of what I was going to do and then did it, I started by making one piece and then another idea for a piece would come."[51] In this sense, Boyce's process was one of layering, which initiated with his response to the site and evolved to include different sculptural layers that together created the unique atmosphere created by the work.

[49]Bo Hanley. "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)". Location: University of Glasgow, Main Building Sir Gilbert Scott, Conference room 101c. 2010.

[50]NGS, "The development of Martin Boyce's sculptural vocabulary", Last accessed: 21/06.2013.

[51]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

The site played an important role in the making of 'No Reflections' as well as in relation to its representation at DCA, when the work travelled from Venice to Scotland. Unlike in previous years, where the site was preselected for the artist in advance of the Venice exhibition, a unique dimension of Boyce's commission was that he was given the freedom to select a space in which to make his work. This again demonstrates the level of trust and confidence between Boyce and the commissioner (Judith Winter), however, it also reflects an understanding of the importance of the creative autonomy of the artist in the making of his work as described earlier by Touboul.[52] Collier and Esteban noted that: "Freedom and creativity do not exist as separate [...] qualities – they are inextricably linked one to the other in a continually reinforcing interactive process."[53] Returning again to the importance of the experience and prestige of of the artist (his or her degree of 'symbolic capital'), it is important to mention that Boyce, like any artist selected for a biennial commission was already at a significant stage in his artistic practice and this is likely to have contributed to the trust afforded to him and consequently to the freedom he enjoyed in the commission.[54] This reveals a link between experience, prestige and freedom as the experience of the artist and his or her level of prestige can be equated to social confidence in his work and the amount of freedom he enjoys by consequence. The freedom afforded to Boyce in the selection of a site can be seen, in this sense, to have contributed to the creative success of his work. Boyce discussed this, reporting that:

> "[The work] could have been absolutely anything. It has not been like that before [...]. In the case of Scotland and Venice, the curators have gone over and picked a space, selected the artist and then presented the artist with the space. In a way, it was a very astute thing for the curators to do to let me be lead to that process - and it also showed their understanding of my practice. It was a very joint discussion."[55]

[52]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21/07/2013.

[53]Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics", p. 182.

[54]Bourdieu, "Social Space and Symbolic Power".

[55]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

Here Boyce demonstrates how even within the context of a biennial event, that commissions can enable artists the chance to respond to a particular context, which can serve as a trigger for their work. It also provided him with the chance to build a strong dialogue with the exhibition's curators. Boyce discussed the importance of the context of the commission and the relationship with the curators in developing the work for 'No Reflections', claming that:

> "Without question I would never be showing in Venice or in that room because I would never have had a reason to be there. I think in many situations the work that I will do will be led by the space to some degree, whether it is just a response to the scale or the dimensions of the room, a feel of the room or some detail that will trigger something."[56]

Boyce's comment points to an important aspect of Boyce's commission and to the commissioning model in general, which is access. Buck and McClean identify that: "The commissioner or commissioning agent can give the artist access to specialist technical, curatorial and practical support, as well as funds, that might not normally be available to them."[57] Commissions can provide opportunities for artists to work in traditional museum and gallery spaces as well as to create work in response to alternative spaces and contexts outside the gallery. In Boyce's case, the Venice and Scotland commission offered him the chance to engage with the context of the City of Venice, a place with a long history of visual art and architectural cultivation and cultural and intellectual fortitude. Andrea Rose, Director of Visual Arts for the British Council, described the experience that participating in the Venice Biennale can offer to artists, noting that:

> "With nearly one hundred nations in contention – and over 150 separate exhibitions – commissioning [...] for the Venice Biennale means thinking about what will be distinctive. People jib at the idea of choosing artists by nationality, but like Venice itself, the Biennale is a point of convergence, where local variety can be seen in an international context; and where national

[56]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[57]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 56.

> contingents therefore add complexity to the increasingly globalized view of contemporary art."[58]

The chance to exhibit alongside other established international artists as part of a biennial show and the prestige such an experience offers is a key benefit for an artist, since, if successful such commissions can boost the artist's profile and lead to other opportunities and future commissions. When asked about the experience, Boyce recounted that: "The space and Venice in general had a huge impact on the work, what the work needed and how I responded."[59] The commission for the biennial event provided Boyce with a unique context from which to research and explore new ideas, which were in turn woven into his work. He commented that:

> "Just being there I did some research into Venice and I started to become interested in the architect Carlo Scarpa, who was Venetian and did a lot of work in Venice. So in a way that was my way in... looking at the way he dealt with the ancient and the modern and how he managed to interlace the two became very interesting to me. There are some reference points there, the way he worked with water, the stepping stones relate to him, but they also relate to other things as well. I think people who knew of Scarpa could relate the work to him and they saw this nice connection, but I think it was most important for me to look at how he dealt with building in Venice and his relationship to water."[60]

The references to Scarpa's work were reflected in Boyce's choice to build additional walls within the Palazzo space in order to alter the space, which contributed to the atmosphere created by the work. Boyce reported that:

"We built a couple of walls. So I kind of went back to Carlo Scarpa's museum architecture, so the walls themselves felt quite sculptural rather than sort of extending

[58]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 157.

[59]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[60]Ibid.

what would appear as a new gallery wall. I wanted to mark them as being quite different structures.[61]"

Boyce's comment again references how the Venetian context created triggers that were woven into the development of the work from larger more abstract ideas that stemmed from his personal response to the site itself to more specific details such as the architecture of Carlo Scarpa, which featured in both the development and presentation of the work.

4.3.1 Resources and Support

Throughout the Venice and Scotland commission, Boyce worked closely with the Dundee Contemporary Arts Deputy Director and Head of Arts Programmes, Judith Winter and Exhibitions Curator, Graham Domke. This was an important aspect of the commission, which provided Boyce with a number of resources that supported the development of his work, contributed to the fabrication process, helped to identify potential issues and enhanced his experience. This on-going dialogue also had mutual benefits for DCA and for audiences in both Scotland and Venice. Boyce reported how regular communication with the curators and the relationship formed with them during the commission contributed to the success of the work, stating that:

> "We had a very close relationship, we were constantly in dialogue. There were a lot of things I had to do in addition to making the work: interpretive material, an interview and I made a silk-screen print at DCA. [Dialogue] was constant and very close [...] throughout the commission."[62]

The on-going communication between Boyce and the DCA curators throughout the commission showed a high level of commitment. This played a key part in the development of Boyce's work. He commented that:

[61] Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[62] Ibid.

> "There was no question that the conversations affected the work. And more so than any other situation I've been in, the curators were very involved. It is something you look for and it doesn't happen in every situation or project you do, but there are times when it does and [...] it is really fulfilling."[63]

Boyce's remark relates back to the important role that communication plays in furthering cooperation within the commissioning relationship, discussed in Chapters One and Two. Communication is a key principle of trust, which can reinforce a feeling of commitment and assurance between a commissioner and an artist. In the case of Boyce's 'No Reflections', his regular communication with the curators throughout the development of the work acted as a useful point of reference, or what Boyce referred to as "a sounding board" for evolutions in the project. Boyce's choice of the title for the exhibition was born out of one such conversation. He described that:

> "It is useful when a curator affirms what you are doing. If you are going to do it you'll do it anyway, but it is always nice to have that feedback. How the title for the show came up was part of a conversation as well. We were walking through the Jardiniere where the different pavilions were, through the garden, and in the year in between the Biennale it looks quite deserted and run-down and abandoned. We were looking at these empty pools and I think around that time I came up with the idea for the title. It is one thing to think it, but another thing to say it out loud. So I introduced the idea of 'No Reflections' and why that might work [...]."[64]

This draws attention to the importance of trust between the artist and the commissioner in voicing ideas during the development of a new work. It also suggests the important role the commissioning agent plays in guiding the development of the work at various stages during the commissioning process. This requires both a deep understanding of the artist and his or her practice as well as experience and sensitivity to the creative process. Working closely throughout a commission can be an enriching process both for the artist and the commissioner if there is a strong commitment, cooperation and mutual trust. This was suggested by Buck and McClean, who argue that:

[63]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[64]Ibid.

> "One of the most appealing features of commissioning an artwork is that it generally involves entering into what can often be an intense dialogue with the artist. This patron-artist relationship can provide the commissioner with a privileged insight and involvement in the creative process, and in some cases even the chance to have an impact on it."[65]

Boyce's earlier remarks demonstrate how his relationship with the DCA commissioners, their communication during the project and the level of trust built between them impacted the results of the project. However, also influential, was the scope of the project, which for the first time in the history of the Scottish Pavilion, focused on commissioning the work of a single artist rather than several different artists simultaneously as part of a group show. This allowed the commissioners to concentrate solely on supporting Boyce in the development of his project and offered the chance for him to be very ambitious in terms of scale and materials, since the resources were used exclusively on his commission rather than being split. It also granted him access to resources and specialists, which supported the development and fabrication of the work. He explained that:

> "One of the big differences from anything else that I have done is that I had a producer and that was really fantastic. [...] A producer is someone who takes care of all of the logistics and the communication and the planning and also just keeps [...] giving you deadlines [...] liaising with the fabricators and dealing with the budget, allowing me to concentrate completely on making the work. That takes such a huge weight off your mind because otherwise you are worrying about all of the logistical things and trying to find solutions to them [...]."[66]

Many of the benefits of the commissioning process are highlighted in the above statement, in particular, how commissions can offer access to specialists and production support, which can alleviate practical concerns for the artist, allowing them to focus their full attention on the creative aspects of the work and its development. In the case

[65]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, pp. 30–31.

[66]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

of 'No Reflections', having access to and working with a producer not only helped Boyce to find solutions to fabrication issues in the production of the work, it also afforded him more time to research and engage with the intellectual concerns underpinning his practice. He remarked that: "the level of focus and time I had to spend on fabrication and developing the work was much greater than what it usually would have been and it was a much greater experience for that."[67]

As Boyce's work is often multifaceted, large in scale and expensive to produce, commissions like 'Venice and Scotland', have offered him the opportunity, not only to make new work in response to a particular site or context, but also the financial resources to create ambitiously and without practical demands. He later suggested that: "if the institution can help with production than that is great." As an artist with a very established practice, Boyce went on to say that: "Even for me, I can't afford to outlay all the production costs for everything that I am working on.[68]" Here Boyce draws attention to the difficulties that certain artists face, particularly those whose works are heavily dependent on production. The ability to create ambitious work often involves a substantial investment and resources, which make artists like Boyce heavily dependent on commissions in order to make their work.

By providing Boyce with the resources and support to develop new work in the context of Venice and Scotland, the commission created the possibility for him to build on aspects of his existing practice and it challenged him to make a new body of work that could exist in two very different locations, the Palazzo Pisani, a unique historical site in Venice and DCA, a white cube gallery space in Scotland. This was an aspect of the commission that Boyce found particularly challenging and while he said that, "I always knew it would go to DCA and the curators kept saying don't forget DCA you need to think about this as well". The consecutive showings of the work in two very different spaces and its reception by two different audiences introduced an additional

[67]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[68]Ibid.

level of uncertainty into the commission. Boyce remarked that: "I was worried and the curators were as well that DCA was never going to live up to Venice because Venice really felt like such a special situation.[69]" El-Murad and West claim that: "A decision is said to be risky if its outcome is uncertain."[70] However, referring back to Chapter Two, which suggests that commitment, cooperation and trust can help to mitigate risk in interpersonal and interorganisational exchanges, it is clear that the strength of the relationship developed between Boyce and Winter helped to mediate some of the risks, such as those associated with the work being presented in two very different locations.

While Boyce's work for 'No Reflections' was made specifically for the Palazzo Pisani in Venice, the work was not intended to remain there permanently and Boyce was very conscious from the outset of the commission that the work would travel and be represented in Scotland. Boyce suggested that "I think a commission definitely has a different pressure in terms of failure than an exhibition. I think it is more about putting yourself in that situation."[71] Referring directly to the Venice and Scotland invitation, he later remarked that: "I think it was a case of having to rise to the occasion and there are situations that have greater pressure than others and this was definitely one of them."[72] In this sense, the challenge offered by the commission and the risks involved in making work for two different sites, urged Boyce to build on existing aspects of his work that, in turn, furthered his practice.

The commissioning of 'No Reflections' underpins the importance of cooperation and the relationship built between the artist and the commissioner and how this can enable an open reflexive creative process that can allow for intellectual development and create space for new ideas to emerge. 'No Reflections' is thus an important example of the potential benefits commissions can offer to artists and to museums and galleries who

[69]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[70]Jaafar El-Murad and Douglas C. West, "Risk and Creativity in Advertising", p. 658.

[71]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[72]Ibid.

invest in high level of trust with artists. It demonstrates that even in the context of a large-scale, high profile commission, it is possible to allow the artist to work in an open way without heavily restricting the creative process. This is in part the benefit offered to the artist when (s)he is selected for a prestigious commission. Boyce explained that: "If you invite an artist to do something then you have to let the artist do something. You have to trust that the artist has the experience to make it work."[73]

While the prestige of the artist and the relationship formed between the commissioner and the artist can be seen to have contributed to the trust developed between them, which played a significant role in the success of 'No Reflections' this is not always the case with art commissions, the risks involved in commisioning new work from artists have the potential to cause commissioners to impose excessive restrictions on artists and their works. This can place artists creating work in a dependent creative process in a vulnerable position. Touboul argues, however, that: "It must be assumed that the provision of materials, creative guidance or guidelines, do not allow the commissioner to take advantage of the artist or his authorship by acting as a co-author and reducing or destroying the artist's creative freedom in the making of his work."[74] However, as noted earlier, such situations do occur, which can threaten the creative autonomy of the artist in the making of his or her work, which may negatively impact the success of the commissioned work. Boyce commented on this, claiming that:

> "Each situation is its own, but I don't think commissions are often set up for risk-taking or experimentation. I think it depends on the response of the people who are saying yay or nay actually supporting the commission because with a commission you always have a process where new work is being commissioned by someone - so that is a check point if you like."[75]

[73]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[74]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", pp. 12–13, Last accessed: 21/06/2013.

[75]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

The freedom to evolve, to challenge existing ways of working and to test new ideas is an important aspect of an artist's practice, however, this is not always possible within a commissioning process. This is due, in particular, to the fact that success and value are often assessed using quantifiable measurements, which do not always include less tangible considerations such as the creative and professional development of the artist and the commissioning institution or the work's reception by the public. Instead, onus is often directed toward the immediate financial implications of a project alone rather than its social value. This is part of the risk involved in commissioning, as the necessity to over-control the creative process can be both detrimental to the artist and to the work itself. Boyce noted that a lack of trust in the artist and other practical constraints on a commission can "restrict the process and what can be done", which he says "do have an affect on the work".[76]

4.3.2 Legacy of the Project

In the case of the Venice and Scotland commission the support and flexibility of the process enabled Boyce to create a new body of work that responded to two different contexts in a unique way. He recalled that unlike in other commissioning situations "where there was the feeling that the commissioner was asking for more of something and that I had not given them what they were asking for" in this case (Venice and Scotland), Boyce was able to "trust his instincts" and as a result, to use the commission to develop a new work that functioned successfully in both Venice and Scotland and was well received in both locations.[77]

The commissioning process for 'No Reflections' orchestrated a specific set of circumstances, which brought together financial resources and production specialists, enabling Boyce to make an ambitious new work in a unique context and offering him the chance to work closely with curators and technicians who helped him to develop his

[76]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[77]Ibid.

ideas in a very open and relatively unrestricted way. The communication with the DCA curators throughout the project allowed Boyce to use the context of the commission to further his creative practice rather than closing it down. Boyce described that:

> "Quite often you have a museum exhibition where the work goes from one museum to another and people might see all three of those exhibitions and they might involve all the same work and essentially people have preferences, but this was another thing, it was quite different because it was the Venice Biennale show coming back to Scotland. So there was a slightly different level of pressure on it, but fortunately I was really happy about the outcome [...]."[78]

The commission for the Venice and Scotland exhibition was an important peak in Boyce's career, which cemented some of the key ideas in his artistic practice, providing a basis for subsequent works, most notably his 2011 Turner Prize exhibition 'Do Words Have Voices', which built on many of the materials and ideas applied to his work for 'No Reflections'. In particular, the motif derived from the image of Joël and Jan Martel's concrete tree design, which formed the basis of the designs for the chandelier-like objects and the sculptural Autumn leaves for *Evaporated Pools* (2009) employed in 'No Reflections' were reintroduced. Many of these forms were reinterpreted in works like *We are Soundless Until Spoken* (2010), a modernist sculpture of a library table, where the tree motif is incorporated into the four posts that make up the legs of the table or *In the Snow* (2010), a large scale canvas cast in cement, which uses letters, which derived from a repeat pattern of the tree, that spell out the words 'strange footprints in the snow' and a repeat pattern of white paper stencils of a tree form, which suspend from the ceiling creating a shimmering light like the crystals in a large chandelier, reticent of sunlight piercing through the foliage of a tree.

The commissioning of 'No Reflections' also demonstrates the potential that such projects offer to museums and galleries. By working closely with artists, curators are developing new strategies to co-finance the making and exhibition of new work and

[78] Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

building wider audiences around contemporary visual art, creating legacies that extend beyond a single project and in doing so can have mutual benefits for artists, museums and galleries and the public.

While Boyce commented on the uniqueness of the Venice and Scotland commission stating that: "I think you kind of hope that you can continue to produce things that feel as special as that did, but I think that was wrapped up, not in just the work, but also the process and the fact that it was the Venice Biennale."[79] The legacy of the commission is also evident in the continued use of particular motifs in subsequent works by Boyce, such as those which earned him the Turner Prize only two years later.

Evaluating the legacy of commissioned works is an important part of assessing the value that such projects introduce for museums and galleries and artists, Boyce's work for 'No Reflections' demonstrates the potential for commissions to offer opportunities for artists and curators to collaborate in the development of new work that can raise the profile of both artists and arts organisations and strengthen relationships between commissioners and artists. These can lead to future projects and create new audiences around contemporary visual art, offering benefits to all those involved.

4.4 Case Study 3: Richard Wright – The Stairwell Project

The commissioning of art as part of an architectural scheme is part of a long-established tradition, early examples of which, as demonstrated in Chapter One, appear frequently throughout the Italian Renaissance. More recently, however, museums and galleries have commissioned artists to make permanent site-specific works for transitional spaces within their buildings, for exterior features of them or in the grounds outside their galleries. This was suggested by Buck and McClean, who noted that:

[79]Hanley, "Interview: Martin Boyce 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> "Motives for commissioning art for architecture range from the desire to decorate and embellish buildings, and to educate and inform their publics through narrative artworks, to celebrating and commemorating related events and people."[80]

Richard Wright's *The Stairwell Project* (2010) (Figure 4.5 and Figure 4.6), commissioned by the Scottish National Gallery of Modern Art (SNGMA) for the Edinburgh Arts Festival during the Summer of 2010 is one such example. It is also one of the few major works by Wright to exist in a public art collection and is one of two wall paintings by the artist in a public museum or gallery in Scotland. The work was commissioned with support from the Scottish Government's Edinburgh Festival Expo Fund for Edinburgh Art Festival 2010 and subsequently acquired by SNGMA where it forms part of the modern and contemporary art collections held by the Dean Gallery. The National Galleries of Scotland wrote that:

> "With this new commission, Wright pays homage to a great building and its history and adds a new chapter in its continuing life. The piece sits as Wright's most complex and ambitious work to date in Britain, and will be an important attraction for generations to come."[81]

Wright's floor-to-ceiling wall painting, which fills the west stairwell of the Dean Gallery with a radiating organic pattern of tiny black flowers, resembling thousands of fleurs-de-lys, is a site-specific work that was made especially for the stairwell, where it exists on permanent display as part of the collections of the National Galleries of Scotland. The Scottish National Gallery of Modern Art and its sister building, the Dean Gallery are located adjacent to one another to the west of central Edinburgh. SNGMA has a history of commissioning artworks within an architectural scheme in the interior

[80] Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 36.

[81] National Galleries of Scotland Website. *Collection: The Stairwell Project (Digital catalogue)*. 2010. URL: `http://www.nationalgalleries.org/collection/the-stairwell-project/19369`, Last accessed: 21/06/2013.

spaces of the museum, the exterior façades of its building as well as in the outdoor spaces and grounds surrounding it. Previous notable permanent commissions include Charles Jencks' *Landform* (2001) and Ian Hamilton Finlay's *Six Definitions* (2001), to name a few.

Wright's commission for the *Stairwell Project,* however, is something of a novelty for the collection, as to date Wright's practice has consisted of largely ephemeral, site-specific paintings, which present challenges for museums with regard to collecting and thus the commission reflects a high level of commitment on the part of the museum. Another challenging aspect of Wright's work is that most of his wall paintings are painted *in-situ*, directly on the walls and ceilings, and often in response to the architecture or context of a particular space or building. This has made his work historically difficult to acquire given that he often works with fugitive materials that have a relatively short life span and are not intended to last. These factors also contribute to the risks involved in commissioning Wright's work, and thus, investing in a permanent project of this kind can be seen as a progressive step for SNGMA. Wright is also renowned for making all of his works himself without the help of assistants, limiting the number of projects he is able to do at any one time. As a result there are only a small number of major works by him in permanent museum and gallery collections internationally. Wright commented that:

> "One of the features that makes my practice different than many of my contemporaries is that I am still doing it myself. I am [...] doing a lot of the negotiating and I am doing all of the work myself. Many artists in the same position as me have a full studio and assistants [...], which makes me more busy."[82]

Wright's artistic practice is part of a long tradition of mural and wall painting, the making of which, involves a lengthy, tedious and physically demanding process. However, unlike most Renaissance painters, whose commissioned works tended to be

[82]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

painted *in-situ* and permanently owned, because the majority of Wright's wall paintings are ephemeral and are made for temporary exhibition only, this has made the *Stairwell Project* a particularly noteworthy commission. The question of impermanence has become a central part of the artistic intention behind Wright's work and central to the nature of his oeuvre. This is a key aspect of Wright's practice, which has challenged his work's collectability. As this study will demonstrate, this is where investing in the commissioning of new work can create solutions for public museums and galleries that seek to acquire challenging works for their collections, provide support for artists in the development of their work and create opportunities for the public to engage with emerging contemporary artworks.

Wright's practice is such that nearly every time he exhibits he will make new work. This is because his work tends to be site-specific and both derives from and is intimately connected to the spaces and contexts in which his works are made. The *Stairwell Project* is one such example. Wright described the importance of the site and the specificities of the stairwell at the Dean Gallery in creating a direction for the work:

> "The site, the physical nature of the space governed the work. [...] The statement that Louis Kahn said about, the joint between two points is where architecture is, that has been my experience also. Where two surfaces meet perhaps that is also the surface of paint [...], the illusions, these meeting points, are where the edges of the work are and that is the work. In that sense, the physical architecture made the work and something happens when you are making something like this. Time slows down a bit."[83]

Like most of Wright's wall paintings, the *Stairwell Project,* was based on his very intimate response to the context of the Dean Gallery and the history of the building and the experience of being there and working within its spaces. As this study will demonstrate, engaging with the architecture of the site was a key factor in the development of the work and yet another example of how access to a particular site or situation can play a fundamental part in the commissioning of a new artwork. Wright described how:

[83]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> "The closer you get to a situation, a place, a building and every aspect of that, not just how it has been used, but also how it has been made comes into focus. When I was up there in that particular piece of plaster construction I was very aware that the last time someone was this close to it was when it was made. I sense that history as well, I sensed the hands of the people who were there."[84]

Wright's works have a unique and very particular relationship to the spaces and contexts in which they are made. He has discussed how the development of a new work is based on a series of interlacing factors, which begin with a site and come together as a consequence of the commissioning process. Wright, like many artists, is dependent on commissioning processes and the opportunities such invitations offer to make his work. Buck and McClean have outlined this well, noting that:

> "With many artists producing elaborate installations, architectural interventions or ambitious film pieces (and particularly ephemeral works), the only way that these expensive and space-hungry works can come into being is through the act of commissioning."[85]

This is particular significant when examining the importance of trust, that underpins the commissioning process and therefore the majority of Wright's work, which I will return to later.

As this study demonstrates commissions can support the making of new work for a particular site and, in doing so, provoke a response to it. Wright described how for him this response is linked to "the emotional and formal aspects of the architecture" within a space, suggesting that:

> "We don't see [architecture] above as a series of abstract ideas, we encounter it and experience it in a much more tactile way. It is that touch, these aspects and imperfections - that mark on the wall, that grubby little finger print, that

[84]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[85]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 59.

> tell something and maybe these aspects for me are the beginning of the work [...] Those are the kind of emotional aspects and they give me a lead into ideas. My ideas come as much from those aspects of things, the faults, as they do from the more formal aspects where work might be governed by some physical events that occur."[86]

The Dean Gallery was once a school for orphaned children many of whom were unwell and the work that evolved from the commission developed in response to this context. Wright went on to describe how not only the physical aspects of a site have directed the development his work, but also how the history of a building and the context around it can act as a trigger in a commission:

> "You notice that there are features of the architecture that draw your attention. For example, the orphans that used to live in the building [the Dean Gallery] used to make sacks, [...] and there was an area that they used to hang their clothes and some of them were small, so there was a lower level for those children to hang them up so they could reach. These are the features you begin to notice and you start to see what it may have been like and these aspects creep into your thinking and experience of being there, and you start to notice aspects of the building that you wouldn't of otherwise seen and you see it in a way that perhaps isn't possible if you are only casually visiting."[87]

Wright's response to the context of the Dean Gallery was not based alone on the historical features of the building, but also, as we see, on more recent aspects of its use, which was part of his being present in the space and his prolonged engagement with the people he encountered there. He has commented that the making of the work was as much about the people who "had been there in the past" as about "the people who will go there in the future". All of these features of the commission were part of his thinking while he was making the work. He reported that:

> "They are long days [...] and I get to know the people who work in the building well, not the curators, but the people who unlock the building and

[86]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[87]Ibid.

> are there in the morning cleaning it. And [...] in a way what is really going on in the building, the secret life of the building, and inevitably that feeds into the work and that is part of being there. So much is about being there. Not just going there and looking, living there almost."[88]

It is evident that the *Stairwell Project* commission does not just reference the space in which the work was made, it derived from and is intimately connected to it. This includes the context around the site, not just the site itself, which were both central to the development of Wright's work. By offering access to this, the commission for the *Stairwell Project* precipitated Wright's response to the creation of the work, but also perhaps more significantly the commission enabled Wright to have a sustained engagement with the site, which is unusual in the case of a temporary exhibition. This aspect of the commission, which allowed Wright unlimited access to the building, also shows a high level of trust from the museum and in turn enabled Wright a high level of freedom in the development of the work that can be seen to have fed into the success of the *Stairwell Project*.

4.4.1 Trust: Negotiating Creative Freedom and Dependence

It is generally accepted practice with the commissioning of contemporary art, as outlined in Chapter One, that the commissioning and the purchase of a work are two separate contracts and this was also the case with Wright's contractual agreement for the *Stairwell Project*. However, as SNGMA commissioned Wright with the intention of subsequently purchasing the work for the permanent collection, this was indicated to him prior to the development of the work, which impacted his normal working process, and in particular his choice of materials. Wright reported that:

> "Ordinarily I do use materials that are quite fugitive and quite unstable, that is part of my working methods, but in this particular case I did adjust

[88] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> that because I was aware of the fact that they [SNGMA] had the intention to keep the work."[89]

As this chapter will demonstrate, the verbal agreement made between Wright and the museum, which anticipated a permanent acquisition to the collection, required a high level of trust from both parties, as they were both accepting the risks that this entailed. While commissioning contracts have been used more frequently in recent years to prevent risk and to protect all parties involved from potential losses,[90] they are not a guarantee against artistic failure nor have they necessarily helped to increase or promote trust between commissioners and artists, but rather as Buck and McClean suggest:

> "Above all, it is the spirit of good faith between artist and commissioner underpinning the agreement, whether that is a written contract or not, that is of key importance. The ideal contract is a document of trust rather than one of mutual suspicion."[91]

The commission for the *Stairwell Project* facilitated a change in Wright's normal way of working in order to create the possibility for the museum to acquire the work and this was publicised by SNGMA prior to the work being officially accessioned into its collection. Therefore, Wright was able to modify his working methods as well as his choice of materials in order to make the work suitable for permanent acquisition by the museum. However, as the contract of sale for the work for the *Stairwell Project* was separate to the commission, and the work was publicised as being permanent prior to its acquisition, both Wright and SNGMA were trusting in the commitment of the other to fulfil their respective ends of the agreement (that Wright would make a permanent work suitable for the collection and that SNGMA would acquire that work subsequent to the commission). In doing so, both parties were taking significant risks. In the event that the work failed or was not desired for purchase upon completion, this could have

[89]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[90]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*.

[91]Ibid., p. 222.

had negative consequences for both Wright's reputation and public profile as well as for SNGMA, not to mention financial losses for both parties. Buck and McClean wrote, where the outcome of a work is unknown:

> "Commissioning an artist – whether emerging or established – to work on a new scale or in a hitherto untried material can often be a fraught enterprise, requiring nerves of steel on the part of both commissioner and artist, but many patrons feel that it is a risk worth taking that can lead to worthwhile results."[92]

A breakdown in trust that a failed commitment during a commission could have is yet another significant risk for artists and commissioners. This is very important, particularly in the UK visual arts sector and the artworld in general, where trust-based relationships are an essential part of the making of and commerce around contemporary commissioned art. This is particularly pronounced in Scotland where the art community and gallery scene, though internationally renowned, is based on a very grassroots infrastructure, which includes many artist-lead galleries and a network of very close relationships between artists, gallerists and curators.[93] A bad commissioning experience or poor collaboration between an arts organisation and an artist could result in bad blood and hesitations to collaborate or take part in a commission in future, weaken relationships, harm the reputations of those involved and reduce the potential for future commissions. The *Stairwell Project* demonstrates some of the potential risks that artists and museums accept when undertaking a commission, but also reflects the importance of trust in commissioner-artist exchanges and how in electing to work together both the commissioner (SNGMA) and the artist (Wright) were trusting each other in order to achieve a mutual goal.

However, despite the inherent risks associated with the commissioning of art for purchase, artists like Wright are dependent on commissioning processes to make new

[92]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 33.
[93]Buck, "Market Matters".

work and it is primarily through museums and galleries that such works become accessible to the public. As previously noted, the majority of Wright's commissioned works are ephemeral and while he does occasionally make permanent works on a small scale, such as drawings and sketches, most of his major works are wall paintings that appear for a short time and are then removed. He commented on this, stating that:

> "I speak about drawings and I draw a lot, but I only produce one or two finished drawings a year. [...] Most of the work that I have done over the last twenty years has been temporary. That element is part of my work. Part of my natural environment is working in this way."[94]

Wright's remark highlights the ephemeral nature of his work and consequently points to a challenge that museums face in collecting it. How does the museum collect the work of artists like Wright, whose work, both in terms of its physical and intellectual make-up is not intended to last? This question is part of a much larger on-going debate on conservation ethics and the material endurance of contemporary works entering museum and gallery collections of which there is a significant body of existing literature,[95] and therefore will not be discussed here. However, it is important to mention that commissioning practices have offered solutions to museums and galleries seeking to acquire challenging contemporary artworks, as working directly with an artist, as demonstrated by Wright's work and in examples introduced in the previous chapter, has enabled commissioning institutions the chance to preempt material difficulties before a

[94]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[95]For further details on the material issues and challenges associated with collecting and conserving contemporary art see: (Tina Fiske. "Taking stock: a study of the acquisition and long term care of 'Non-traditional' contemporary artworks by British Regional collections, 1979-present (unpublished thesis)". Supplied by the author. 2004); (Ijsbrand Hummelen and Dionne Sillé. *Modern art: who cares?: an interdisciplinary research project and an international symposium on the conservation of modern and contemporary art.* London: Archetype, 2005); (Erma Hermens and Tina Fiske, eds. *Art, Conservation and Authenticities: Material, Concept, Context: Proceedings of the International Conference Held at the University of Glasgow, 12-14 September 2007.* London: Archetype Publications, 2009); ("Conference proceedings: 'Theory and practice in the conservation of modern and contemporary art: reflections on the roots and the perspectives'". In: ed. by Ursula Schädler-Saub and Angela Weyer. University of Applied Sciences and Arts, Faculty Preservation of Cultural Heritage, Hildesheim. London: Archetype on behalf of the Hornemann Institute, 2010); (Rebecca Alison Gordon. "Rethinking Material Significance and Authenticity in Contemporary Art (unpublished thesis)". Supplied by the author. 2011).

work is produced. Yet, in the case of Wright, the question of how to collect his work is an issue that has only been called into question recently. He noted that:

> "This is something that has just emerged in the last few years because a wider audience has started to take interest in my work. For many years the galleries could not sell my work and so I did not have to deal with that problem. There were other problems, mainly financial, but the question of having to negotiate or answer that question had not presented itself and did not until recently."[96]

The tension between the artist's dependence on institutional support to make new work and his or her creative freedom (or autonomy) is brought into focus by commissioning practices. This is an issue that artists have faced since the Renaissance and earlier and which artist's like Wright continue to negotiate today (in 2013). Wright discussed the issue of collectability and the legacy of his works for public museums and galleries, arguing that:

> "No matter how much one thinks or tries to be outside of the system, you are bound up in it. I have said several times that there is no revolution in art the only revolution is to give up art. If you are engaged you're engaged! The only way out is to step outside completely."[97]

This statement ties back to the distinction between *crèation dèpendant* and *crèation indèpendant* introduced earlier by.[98] Wright's practice is heavily dependent on the commissioning model. It is therefore that negotiating the line between creative autonomy and institutional dependence is a constant challenge for him, as he is reliant on commissioning processes in order to make new work and to exhibit it publicly. Wright discussed the nature of institutional dependence and the importance of the support commissions offer, stating that:

[96]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[97]Ibid.
[98]Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21/06/2013.

> "[Commissioning] is essentially a way of supporting artists. It is not a new model, it is the way it often worked in the past. Artists worked as tradesmen in the way that a joiner or any other tradesman would [...]. Where things become problematic is where we sustain our notion of the artist being outside the system, but also inside the system. It comes back to this view I spoke of about the *avant garde* and this model of the ideal artist, which is awkward because in a sense you are getting someone who wants to knock the building down to come into the building and make something. On the one hand we expect the artist to refuse to cooperate, but artists have always been dependent on their abilities to cooperate to a degree."[99]

Wright's remark ties to a key feature of the commissioning process, how do commissioners and artists, particularly where stakes are high and risk is present, negotiate the balance between institutional control and the artist's libertè de crèation (creative freedom)?[100] In answering this question, it is first necessary to consider the distinction between crèation dèpendant (dependent creation) and crèation indèpendant (independent creation) outlined by Touboul in the previous chapter, the former suggesting a (commissioning) process where the artist is invited by a commissioning agent or agency to make a new work for a particular purpose in return for resources and a fee, as apposed to the latter where the artist makes his or her work independently without external support. The level of creative freedom the artist has in the making of a work will therefore vary widely subject to the decision to accept support or to create independently. In the case of dependent creation the artist's creative freedom is also subject to the level of flexibility and trust afforded to him or her by the commissioner as outlined by both the general and precise clauses in the contract.[101]

However, in the context of commissioned art, the creative freedom of the artist is called into question since there is a risk that the artist's creative authorship could be influenced or in extreme cases restricted as a result of his or her dependence on external support (e.g.: The artist is asked to make a work to order or to serve a particular

[99] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

[100] This was outlined in the previous chapter by: (Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21/06/2013).

[101] Ibid., Last accessed: 21/06/2013.

need of a commissioner rather than creating independently with complete autonomy and creative freedom.) By entering into a commissioning process the artist is no longer completely autonomous and his or her degree of creative freedom is, to an extent, altered in exchange for the support gained from the commission. Negotiating creative freedom within the context of a commission is a complex aspect of the commissioning process. While commissioning is a practice founded on commitment, cooperation and trust, it is also one which is legally binding and the number of constraints (contractual stipulations) placed on the artist can have significant impacts on a commissioned work. In the case of the *Stairwell Project*, Wright discussed the distinction between independent and dependent creation in the making of his work and how this has evolved in the context of his artistic practice, suggesting that:

> "My whole position is probably based on the circumstances in which we exist. The fact is that I am negotiating with a commercial system. My working methods have evolved and my critical position is based on dealing with that and if I could take myself out of that and I had an independent financial means and did not have to consider it, might be in a better position. I would favour the idea of being outside the system, every artist would like to be on their own to be free, but I am also interested in the idea of engaging. So while being outside the system would release me in some way it would also make me bourgeois. It would make me not socially responsible or not socially conscious and somehow not tied to the need to be aware of what I am doing."[102]

By accepting institutional support the artist becomes less independent in the making of his or her work and by default less free, but this support also provides the artist with an audience and the resources and context necessary to make his or her work, which Wright suggests, can benefit the artist, his ability to sustain his art and ultimately the success of the work. Once commissioned by a museum or gallery, an artist's work gains a public profile and like any other specialist or professional, this can strengthen the interest in his or her art, improving his reputation, which may lead to additional opportunities

[102]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

to exhibit or make new work. This relates to the discussion of the artworld network introduced in the Introduction, which acknowledged that in order to participate in the artworld requires acceptance by the artworld and the intention to make work for that context. Buck and McClean argue that:

> "Whether these commissions are funded from public, private or corporate sources – or, as is increasingly the case, a mixture of them all – and whether or not they are ultimately acquired for the permanent collection, an institutionally commissioned work carries a very particular status for an artist. To be commissioned by a major public institution is one of the highest forms of endorsement an artist can receive."[103]

The previous statement highlights the mutual dependence between commissioners and artists in the making of a commissioned work of art since, as demonstrated earlier by Touboul, by accepting a commission the artist is no longer working completely autonomously but, instead becomes part of a collaborative process of creation. The level of creative freedom afforded to the artist, however, is dependent on the relationship between the commissioner and the artist as outlined in the contract. In this sense, creative freedom in a commission is not, necessarily, statutory and therefore may vary subject to the level of trust between the commissioner and the artist and the number of constraints and stipulations in the contract or the level of prestige the artist has. However, as previously noted, creative freedom is also influenced by the reputation and status of the artist as well-established and highly sought after artists will have more power to decline a commission if it is not to their liking if there is strong competition for their work. They can choose which commissions to accept and which to reject. This same rule often applies to powerful institutions. This is where the communication between the artist and commissioner, as outlined in Chapter Two, becomes imperative as a basis for trust and for developing a successful commission. Buck and McClean articulate this well, noting that:

[103]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 94.

> "The commissioner has to be prepared to enter into a relationship with an artist that is almost analogous to a marriage and can often require similar management in all aspects, positive and negative. Even though this relationship can be less fraught if a commissioning agent is involved to mediate and facilitate between artist and client [if there is one], clarity of intention and communication are nonetheless essential."[104]

Just as the commissioner is trusting the artist to fulfil his or her agreement, so too is the artist trusting the commissioner to do the same by providing the agreed support and resources to enable the work to be completed successfully and on schedule. It is therefore evident that by accepting the terms of a commission, regardless of the level of prestige of the artist or the institution, both commissioner and artist are entering into a trust-based process where economic support and resources are exchanged for some degree of the artist's independence and creative freedom in the creation of a new work. In the case of the *Stairwell Project*, Wright reported that:

> "It is always easier to work for yourself [...] I never want the curator to see what I am doing before it is finished [...] You don't want them patting you on the back and saying it is wonderful or them worrying about whether it is not going to be enough - you want to keep that out of the equation completely, but of course there are ways in which they always are in the equation, but I prefer not to court that directly by getting involved in a direct discussion about the work because otherwise it is like they are making the decisions about the work and I don't want that."[105]

The amount of input from a commissioner may vary widely with respect to experience, personality and also to the practice and level of prestige of the artist. In Wright's case, remaining independent from the influences of the commissioner and retaining as much creative freedom in a commission is imperative to the success of his work. This is a privilege he is able to exercise due to the level of prestige (his or her reputation and success) he has reached in the artworld, which as introduced in the Introduction, was

[104] Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 79.

[105] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

also true for Renaissance masters. However, this requires a great deal of trust on the part of a commissioner. Buck and McClean reported that:

> "Some commissioning clients have the artist's blessing to be engaged with the creative process; in other cases the commissioner or commissioning agent steps back and simply facilitates the practicalities. Some artists need a free rein; others need or want to be monitored. These roles have to be made clear from the outset, especially with an artist who is given an open brief, as the scenario of dealing with all possible outcomes needs to be contemplated and considered from the very beginning of a project."[106]

While the level of creative freedom afforded to Wright during the making of the work for the *Stairwell Project* demonstrated a high level of trust from SNGMA, it is worth considering some of the factors that contributed to this. As noted in Chapter Two, familiarity can encourage and strengthen trust. This was underpinned by Wright who said "I do find it interesting to work with people that I have known. It can be the opposite it can be problematic, but usually this is not the case [...] There are people that you meet that have a more expansive or growing view of what you are doing and there are people who are specifically interested in one thing."[107] As Wright completed a BFA at Edinburgh College of Art and subsequently an MFA at Glasgow School of Art and currently lives and works in Glasgow, he had long established links with SNGMA and had worked with Keith Hartley, the lead curator for the *Stairwell Project* prior to the commission. Wright noted that:

> "I knew Keith Hartley before and I had worked with him in the past [...] He was involved in the first generation at Transmission and he's been around. [...] The rest of the curators and the director were away. I like that. I prefer to close the doors of the galleries and no one comes in. Larry Gagosian has let me do that and its fine, but most of the time museum institutions are too nervous to do that."[108]

[106]Buck and McClean, *Commissioning Contemporary Art A Handbook for Curators Collectors and Artists*, p. 79.
[107]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[108]Ibid.

Wright's remark suggests two important aspects of the commission for the *Stairwell Project*, first that he had a long established relationship with the lead curator on the commission and also that this allowed him the freedom to make the work with relatively little interference from the museum. One could assume that the relationship between Hartley and Wright and the artist's long established links with the museum strengthened the trust between them, which supported the development of the work for the *Stairwell Project*. However, this is in addition to Wright's status as an artist and his reputation for making successful international projects of this kind. If the relationship between the commissioner and the artist are not founded on trust this can increase the risk of problems arising during a commission and ultimately threaten a project's success. Wright highlighted this, noting that risk:

> "can be a lot to do with the people you are working with, for whatever reason you don't work well with the person, you don't want to be there or you don't like the other works in the show. I try to be very involved in these things and what is happening, but you cannot always control human relationships or some of these other features."[109]

The possibility that there is a breakdown in trust or that the relationship between the commissioner and the artist is unproductive is yet another risk that artists and museums and galleries undertake when they elect to work together on a commission. This reinforces the need for good communication at all stages of a project. Communication is one of the core building blocks for a good working relationship and for developing trust between parties. Wright noted that:

> "When I speak to a curator it is not necessarily about the work it is about forming some kind of trust, some kind of understanding about the world in a bigger way. It doesn't necessarily have to include the work at all and that is what I mean when I say that working with people that I know or I have gotten to know can make the work better."[110]

[109] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[110] Ibid.

Yet, trust is a fragile thing, it is difficult to build and to maintain, but very easily lost, since to place trust in another always involves a degree of risk. This was underpinned by Niklas Luhmann in his article 'Familiarity, Confidence, Trust: Problems and Alternatives', where he claimed that "trust always involves some assessment and acceptance of risk, so that to call trust risky becomes pleonastic."[111] This is where both for museums and galleries and artists, in order to work together in a commissioning process requires both an investment in trust, but also a certain amount of risk-taking. The artist's ability to assert his or her creative authorship while negotiating a complex system of economic, legal and institutional structures involved in a commission and to exercise his or her creative freedom in the making of a new work is part of the role of a professional artist as a key actor in the artworld, but is also influenced by the trust afforded to him or her by the commission. This dynamic is vital to a successful collaboration. Wright argued that:

> "[...] as an artist I want to feel that I can do whatever I like. The reality is that I am interested in this engagement and of course I want people to be happy with the work, but that is not my motivation [...] I can not do what I think they will want. I cannot base my thinking on that. I work from the assumption that if it works on me it is possible that it will work on you and that is how my thinking process works. I am interested in including you in the work."[112]

This is where commissioning is a collaborative process that is rooted in exchange. The importance of the professionalism and confidence of the artist in the creation of a commissioned work of art is highlighted by Wright's previous statement. Also important, however, is the experience, flexibility, sensitivity and intuition of the commissioner both in the lead up to the commission as well as during the development of the work. Communication is at the core of such collaborative exchanges as this allows problems to be preempted before they arrive.

[111]Luhmann, *Risk: A Sociological Theory*.

[112]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

However, because not all artists are at the same point in their careers nor have the same level of experience in negotiating institutional structures or other aspects of institutional dependence, there is the risk with commissioned works that the artist may be influenced by the process to a detrimental degree or try to make changes to his or her work in order to better fit the perceived expectations of a commissioner, which may in fact negate the success of the work and the mutual goal of both the commissioner and the artist. This was suggested by Wright, who said that:

> "Sometimes you think that you can solve these problems by doing something to the work, but that might just fuck the work up completely. It might just be a disaster. This becomes more of an issue if someone is going to buy the work."[113]

Wright's statement highlights the fragility of the artist's position in a commission compared to making a new work independently without external support or input. This presents another major risk to the artist, again demonstrating the importance of good communication at the outset of a commission.

Just as historically commissioners have been reliant on artists to make art fit for their purposes so too have artists continued to depend on commissions to make their work, exhibit it publicly and to sustain themselves and their practices. As this thesis has demonstrated, commissioning has sustained as a practice based on cooperation between artists and commissioners and their willingness to trust each other while working toward a common goal. It is in part the level of trust built between them that, to a degree, dictates the parameters of an art commission.

Trust also plays an important role in relation to the artist's ability to exercise his or her creative freedom, to experiment and to work on a more ambitious scale than previously done before. Wright discussed the important role that commissions have played, where the outcome of the work is unknown, in creating opportunities for artistic advancement, stating that:

[113]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

> "There have been moments when I am not exactly sad when something is gone, but I question whether I could do it again. There is always a moment at which you don't know whether you can do the thing and part of the process is finding a solution, finding a way to do it - and it is also part of the motivation. And then when you have done it, it is not as interesting to do it again."[114]

This was the case with the *Stairwell Project* as well as with many of Wright's earlier temporary wall paintings. He said: "I do very much arrive in the space and work it out from there. I don't arrive with a set plan.[115]" In doing so, Wright indirectly undergoes a process of experimentation in the creation of a new work and the opportunity to work in this way is an essential part of his work. Wright described this process, claiming that:

> "It is almost as though you can see some aspect of the centre of the work, but you cannot see the edges. But finding the edges of the work that is the work. A work can become many different things, even a work like this for the Stairwell at the Dean Gallery, which began with a simple idea can end up having endless possibilities. Finding those edges is the working process."[116]

Wright's statement demonstrated the important role that creative freedom plays in the making of his work and how without this, for example in the case where the artist's creative freedom is restricted by a dependent creative process, this could harm the success of the artwork. Whether permanent or temporary, commissions have enabled Wright the possibility of making work in response to a particular space or context. As this study has shown the invitation to make new work either for exhibition or for a permanent collection has facilitated the development of Wright's artistic practice by offering him access to the resources and support needed to make his work, but also to exhibit it publicly. Commissioning processes have offered Wright "pathways to the work". He described that: "Often the pathways to the work are indirect, but it is all that I can do. It is a pathway that gets me to the thing that I am trying to achieve."[117]

[114]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[115]Ibid.
[116]Ibid.
[117]Ibid.

Wright went on to say that: "Even in a situation where I am making a temporary work, commissions provide me with the opportunity to do something that otherwise would not happen. I would not be able to do."[118] Thus, for Wright the ability to experiment and to test the limits of his practice by locating the "edges of the work" is an essential and valuable part of the commissioning process.[119] This is because commissions not only facilitate the process of making, but museum and gallery commissions, create the opportunity to make art in a public context and offer the chance for the work to be seen by different audiences. In this sense, the audience becomes an added aspect of the context for a commissioned work and part of the stimulus for its making. Wright reported:

> "I am interested in the dialogue and that something happens between the work and the audience, but that wouldn't motivate me to want to please the audience. It is more the sense that if there wasn't an audience I wouldn't work. It is to do with that, so it is ideal if people like the work, but in a way if they hate it, it is all the same because it is also about what I think because that is what drives the work forward."[120]

Access to a wide and varied audience is yet another important benefit museum commissions offer to artists. The opportunity for artists to exhibit their work publicly distinguishes museum and gallery projects from other organisations. For many artists this has become a particular incentive as well as a marker of success. Public exposure can offer benefits to artists that extend well beyond a commission for a new work, improving their reputations and raising the profile of their works. One aspect of this is the performative impact that making work in a public context introduces. Wright explained this, by stating that:

> "I think being given the opportunity to make work for an audience draws something out of you. I play music as well and I always perform better in

[118]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[119]Ibid.
[120]Ibid.

> front of an audience than I do when I play at home and I think that is exactly the same with my work. When you are forced into a position where you look at something you hate and you think it is rubbish, it forces you to react [...] It forces you to say I am not going to let this fall to pieces I am going to do something. Of course sometimes you fail, but it draws something out of you that you may never do in a more private context and that adrenaline and anxiety is a necessary part of the working process."[121]

As previously discussed, risk and the possibility of failure are key parts of Wright's practice, particularly as the majority of his work is born out of a commissioning process. In the case of the work for the *Stairwell Project*, he said: "I had several ideas. I thought I was going to do something else. Right up until the last minute I was going to do something else."[122] Since, as Wright does not frequently provide any information or preliminary drawings for a new work before he begins production, therefore the outcome of the work is often unknown to the commissioner right up until it is complete. Therefore, by commissioning Wright to make a new work for the permanent collection, SNGMA were showing considerable confidence in Wright's artistic ability and authorship. Wright commented that:

> "Institutions are taking risks when they engage in a project like this because they don't know what they are going to get. I don't provide them with any drawings or material or anything prior, so they are really trusting me. I think these situations are changing both for artists and for institutions, regulations are likely to become a more defined part of visual arts projects. Institutions are taking risks when they finance a piece of work like this."[123]

However, while museums and galleries are taking risks by commissioning new work from artists, it is important to mention that, many artists are also taking considerable risks by accepting institutional support to make their works. In addition to the risk that the commissioning institution or individual is not satisfied with the outcome of the work,

[121] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[122] Ibid.
[123] Ibid.

there is also the loss of reputation and investment associated with a failed commission. Wright remarked that:

> "When it is the other situation, the public context, there is tremendous risk that the [commissioner] might be disappointed. This is a risk that I take every time I make a work for an institution or a gallery and I am invited to make a show or a solo project. You do these things knowing that there is a real possibility that it may all fall to pieces. It can go wrong and it has gone wrong and that is part of my work."[124]

Wright's comment points to a key aspect of the commissioning process, which has been a primary cause for why museums and galleries have been reluctant to commission, the risk of the unknown, and the possibility of failure and loss of investment associated with it. However, as noted earlier, the ability to take risks is central to creative advancement and therefore must be seen as such if museums and galleries are to facilitate successful art commissions. When SNGMA invited Wright to make a new work for the Dean Gallery, despite his being an established artist, who had earned the Turner Prize in the year preceding the commission and had previously undertaken many commissions, until the work was complete they could not be sure what they were buying. By commissioning the *Stairwell Project*, SNGMA was accepting the risks involved in the project and, together with Wright, taking on the possibility of failure. Wright's work for the *Stairwell Project* can be seen as an ambitious step for SNGMA, both in relation to their willingness to work directly with Wright to facilitate the making of a major permanent work and also their use of the commissioning model to do so.

4.4.2 Legacy

The examples introduced in this chapter demonstrate that there are different approaches to art commissioning. Wright's work offers insight into the important role that commissions can play in the making of new work and the legacies that such works can have for

[124]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".

public art collections. This was underpinned by Wright, who reported that:

> "Within public institutions there are only three or four works that exist permanently and there are maybe slightly more than that number that exist in private collections. It is not every day that I am negotiating a long-term thing, but it can happen, and it often happens after the work is made."[125]

There are very few permanent works by Wright that exist in public collections both in the UK and internationally and despite the risks associated with 'commission-accession', the commission for the *Stairwell Project* facilitated the making of one of Wright's most ambitious wall-paintings to date, creating a permanent legacy of Wright's work in a major public collection in Scotland. In doing so, the commission enabled his work to be made accessible to a wider viewing public. As Wright suggested:

> "There are only a handful of my works that exist and they facilitate my being able to continue with my practice, to make more works, to run my studio, and to in particular, make many of the temporary works that I make [...]."[126]

The *Stairwell Project* commission has created a permanent legacy of Wright's work for the SNGMA and is an example of how commissions can facilitate permanent works in public art collections. By working directly with artists to commission and acquire newly commissioned works by major contemporary artists, public museums and galleries are creating legacies of contemporary visual art for current and future museum visitors. Wright commented on the importance of the SNGMA commission, as it resulted in one of the only permanent works by him in a museum, stating that in the case of the *Stairwell Project*:

> "[...] In the end that might be the only work that is kept that people will know of in the future if it survives. And that is good and bad because it might be the only window through which the other things are seen, because in reproductions my work does not look anything like what it really looks like.

[125]Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[126]Ibid.

> [...] When people look at photographs they get a very different impression than when they see the work in person."[127]

While the above statement highlights the importance of the commissioning model in enabling the creation of ambitious contemporary art for the purpose of collecting, which would not be possible without the support and resources they offer, it also suggests that even for artists like Wright whose works are ephemeral and not intended to last, museum and gallery commissions can facilitate legacies that extend beyond a single commission and in doing so can help to keep the work of particular artists alive. As Wright argues:

> "I like the idea that the painting is an idea that has in some ways already begun, it was there before I arrived and it will be there after I have gone. Looking at the Dean Gallery [...], the fact that you are aware of the history of the building makes you aware of the future. Thinking about the past also makes you aware of the future. It is as much about the people who have come and gone as the people who are yet to come."[128]

Wright's work for the *Stairwell Project* is an example of how commissioning practices have facilitated the making of ambitious and challenging contemporary art and created legacies of such works for current and future generations of museum and gallery audiences.

4.5 Conclusion

Together the case studies presented in this chapter have demonstrated some of the benefits and risks artists and commissioners face when working together to commission a new work for exhibition or for a public collection. The case studies included in this chapter have outlined very recent examples of commissions, each involving a unique context and

[127] Hanley, "Interview: Richard Wright 'Collecting and Commissioning Contemporary Art' (Unpublished)".
[128] Ibid.

three very different artworks, which demonstrate a range of different approaches to the commissioning and collecting of contemporary art. These represent not a solution, but rather a starting point for future developments, taking into consideration the artist's voice in the shaping of subsequent museum and gallery commissions, which could help to inform future projects. These examples offer new insights into the potential of commissioning practices, which invest in high levels of trust, to support artists in the making of ambitious works of art, which can have both immediate and long-term benefits for artists, public museums and galleries and for the public.

Figure 4.4: Martin Boyce, 'No Reflections', 2009, (Detail), Mixed Media, Palazzo Pisani: Scotland and Venice (Jun.- Nov. 2009), Commissioned by Dundee Contemporary Arts, the National Galleries of Scotland, the British Council and the Scottish Arts Council, 2009, Photo: Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow.

Figure 4.5: Richard Wright, *The Stairwell Project*, (Installation view), 2010, Acrylic on wall, Dimensions Variable, Dean Gallery, Scottish National Gallery of Modern Art, Commissioned for Edinburgh Art Festival, 2010, Photo: Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow TMI-WRIGR-27985.

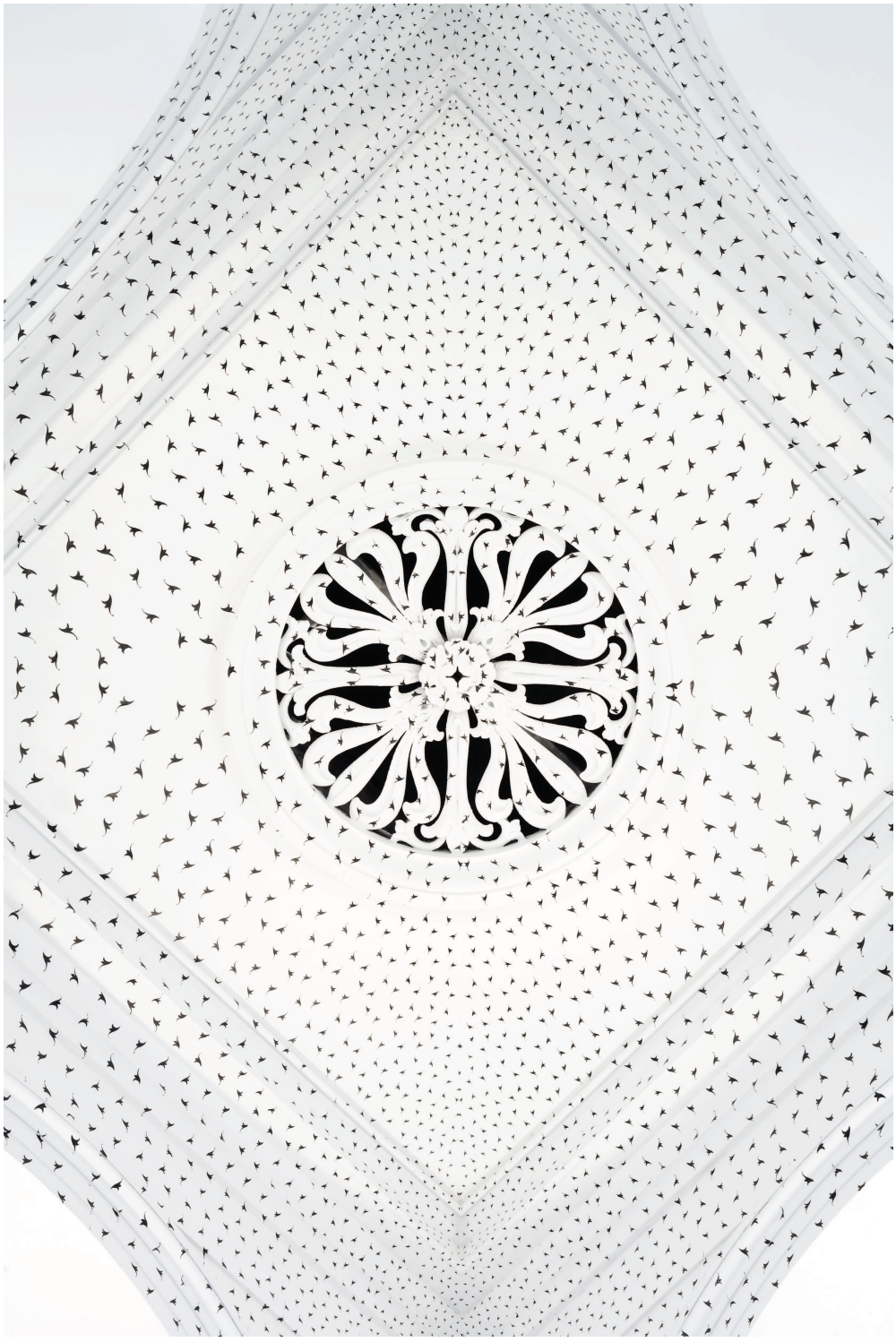


Figure 4.6: Richard Wright, *The Stairwell Project*, (Ceiling detail), 2010, Acrylic on wall, Dimensions Variable, Dean Gallery, Scottish National Gallery of Modern Art, Commissioned for Edinburgh Art Festival, 2010, Courtesy of the Artist and The Modern Institute/Toby Webster Ltd, Glasgow TMI-WRIGR-27985.

Conclusion

This thesis has investigated the commissioning of contemporary art, in particular, examining the museum's relatively recent engagement with emerging commissioning and 'commission-accession' models post-2000. It has looked at early examples of commissioned works and the importance of the commissioner-artist relationship in the success of commissioned works beginning with the Renaissance and ending with the present day. In doing so it has argued that the commissioning of contemporary art is an activity founded on social exchanges, which rely on cooperation and strong interpersonal relationships. The sociology of art provides a methodology for investigating the network of relationships responsible for the production of new works of art. It suggests that art is the product of an artworld without which art of the kind produced by the artworld would not exist.[129] This draws from Bourdieu's position that an artworld or 'field of art' is the social space which allows for the production and exchange of capital.[130] It is this social space that sets the stage for the hierarchy of different positions, of artworld agents, which come together to create the complex network of relationships that both structure and govern the artworld. It is on the basis of this network of relationships that art is distinguished from non art and afforded value – in this sense, it is the artworld that both produces art and affords it its meaning.[131]

[129]Bourdieu, "Social Space and Symbolic Power"
Bourdieu, *The Field of Cultural Production*
Becker, *Art Worlds*.

[130]Bourdieu, *The Field of Cultural Production*.

[131]Bourdieu, *The Field of Cultural Production*
Becker, *Art Worlds*.

Understanding the composition of the artworld and the hierarchies at play within it is important to the examination of contemporary art commissioning as it frames the context of the field of art, which is the social space where most commissioned art is produced, exhibited and distributed commercially. It is nonetheless the interplay between these artworld agents in the context of this social space and the cooperative relationships formed between them that is responsible for the production of new works of art. The commissioning of an artwork, like other models used by the artworld to make and acquire works of art involves collaboration and exchange and is heavily dependent on the network of relationships at play within the artworld. Investigating the commissioning of contemporary art as a model, which is heavily reliant on collaborations between different art world agents is particularly valuable to further understanding the complex network of exchanges at play within the artworld. The ability of artworld agents to cooperate is the basis of the exchanges, which enable the production of art within this context and in particular underpin the collaborative relationships required to commission new works of art. Investigating the group dynamics at play within the artworld is significant not only to understanding how relationships influence commissioner-artist exchanges, but also because they highlight important characteristics of group dynamics and how these influence exchange-based relationships, which in turn, inform other networks of production.

Examining the commissioning model within the context of the artworld has shed light on the importance of certain features such as how communication, cooperation, competition, prestige and trust (belief) contribute to the production of new art as well as to the structure of the artworld that underpins its making. In doing so, this thesis argues, that art created through a commissioning process like art produced through other artworld models is the product of the context in which it was made. It is therefore that the relationships between artworld agents have a significant impact on the kinds of art produced and the efficiency with which such works are made. This thesis has shown how commissioned art is a result of the network of agents, who together through their

exchanges and shared objectives create the things the artworld defines as art.[132]

Within the context of the artworld, commissioning has evolved as a practice alongside material and technical advancements in the making of art and as artworld agents such as museums and galleries have increasingly begun to recognise the benefits offered by working directly with artists to commission new works of art for their specific purposes rather than by acquiring pre-existing works. This has included the commissioning of new work for exhibitions both in and outwith the gallery as well as for museum collections.

With the inclusion of new art forms their have also been significant changes to the ontology of artworks and this has resulted in shifts in what the museum in fact owns when it acquires a work for its collection. Following the introduction of conceptual and new media art it is now possible for museums and galleries to own or even to share the rights to a newly commissioned work (such as in the case of Joanne Tatham and Tom O'Sullivan's installation, *Rhetoric Works, Vanity Works and Other Works* commissioned and then acquired by the NCSS collective) or a copy or edition of a film or sound work (such as Johanna Billing's film, *I am Lost Without Your Rhythm* jointly commissioned and acquired by the partners of the 3 Series, both discussed in Chapter Three), which have allowed for shared ownership of artworks by owning a set of written plans for a work, a copy or an edition.

Despite the visible benefits commissions have offered to museums, artists and their audiences detailed in this thesis, the risks involved in commissioning new work from artists have prevented commissioning and 'commission-accession' practices from becoming a mainstream collecting model for public arts institutions. While commissioning has expanded as a practice since 2000 and there are now a range of new models currently being used by public museums and galleries to support the making and collecting of contemporary art, the risks involved in commissioning, such as a loss of capital, diminished reputation or prestige, have been key factors that have deterred museums and galleries

[132]Bourdieu, "Social Space and Symbolic Power"
Bourdieu, *The Field of Cultural Production*
Becker, *Art Worlds*.

from commissioning new work from artists and from using commissioning together with collecting to build their collections.

This thesis argues that in order for institutions to make the most of art commissioning practices requires a reevaluation of risk, which recognises risk-taking as inherent to creativity and subsequently to the commissioning of new works of art as well as an understanding of how communication, cooperation and trust function to strengthen relationships, which are a necessary part of social exchanges in the artworld – that is the necessity for agents to be able to work together to achieve a collective aim. Running parallel to this reevaluation of risk is a shift toward greater concentration on how cooperative relationships at play within the artworld create the group dynamics responsible for the production of new works of art through commissioning processes.

Both the historical and the recent examples of commissions outlined in this thesis demonstrate the importance of trust between commissioners and artists working together in a dependent creative process. However, they also express how within the context of a competitive social space, such as the artworld, how other factors such as cooperation, reputation, competition, experience and prestige contribute to enhancing confidence and the belief in the potential of other artworld agents, since perceptions of value position agents within the artworld and in doing so give the artworld its structure.[133] This is underpinned by the assumption that trust (belief) is the basis of all human exchange,[134] and this is particularly important where risk is present. In the context of art commissioning where the artwork is yet to be made this is especially important since in this conetext a commission suggests a certain amount of belief from all those involved in the commission if the work is to be realised. Drawing on the literature on trust and the sociology of risk, which examine risk and trust together as a binary, and an inherent feature of exchange, as well as literature which negotiates the sociology of arts institutions and how they are constituted within what Bourdieu has termed 'the field' or

[133]Bourdieu, *The Field of Cultural Production*.

[134]Akbar Zaheer, Bill McEvily and Vincenzo Perrone, "Does Trust Matter? Exploring the Effects of Interorganizational and Interpersonal Trust on Performance".

the space of cultural production that allows for the distribution of art-related capital and what defines the agents who participate in this space,[135] this thesis has examined the complex network of relationships responsible for the production and consumption of newly commissioned art.

The opinions and experiences of museum and gallery professionals actively working in the artworld have been a crucial source in this investigation, with curators from the US, France and the UK contributing insights into the processes and practices of commissioning. Also imperative have been the voices of artists, who have offered an additional perspective on the benefits and challenges involved in commissions and in developing the kinds of relationships required to sustain them. This thesis has focussed on very recent commissioning practices undertaken by public museums and galleries. This has placed attention on the key practical and theoretical considerations that underpin, very recent, commissioning processes, which have drawn attention to the important role that human relationships have played in the production of new art, which is at the heart of this study.

Primary source material taken from a survey of 82 museums and galleries across the UK, together with first hand accounts from interviews with artists and art professionals have provided a deeper understanding of very recent commissioning practices. The views and opinions of both artists and museum and gallery professionals, drawn from the interviews conducted for this research, were introduced in order to avoid a biased perspective, exposing a more balanced view of contemporary art commissioning practices.

The chapters in this thesis have examined what the language of contracts say about the relationships between commissioners and artists and the impacts that they have on trust and on the positions and responsibilities of artworld agents. They have also introduced broader sociological and psychological implications of interorganisational and

[135]Bourdieu, "Social Space and Symbolic Power"
Bourdieu, *Distinction: A Social Critique on the Judgement of Taste*
Bourdieu, *The Field of Cultural Production.*

interpersonal exchanges, which draw attention to some of the factors that the artworld network is based on and how these relationships have functioned to govern and sustain the production of art and to structure its consumption. Finally, this thesis has shown how international collecting models, which have joined commissioning with collecting as a strategy for acquiring contemporary art, have very recently resulted in a number of successful art commissions. The examples outlined in this thesis have demonstrated the range of commissioning practices currently in use and how commissions can be used strategically together with collecting to enhance the scope of public art collections. It has also demonstrated how commissions have created opportunities for artists to make new work, to access particular resources and specialists and how commissions have simultaneously provided access to different sites, contexts and audiences, which together have enriched the quality of their works.

The case studies presented in Chapter Four that conclude this thesis outline three very different works, highlighting, from the perspective of the artist, the risks and challenges artists encounter when making new art through a commissioning process, drawing attention to the different levels of support that commissions can offer to artists in the development of their works, but also to the shared risks that artists and commissioners accept when taking on a commission. While, each of the studies expose certain challenges that an artist may encounter in a commission, they also introduce key insights that could be particularly instructive for museum and gallery curators seeking to commission new works of art. These include issues such as: the importance of generating a clear commissioning agreement at the start of a commission, engaging in regular and on-going communication throughout a project, evaluating resources and coming up with a achievable time-frame prior to engaging in a commission and larger social and cultural issues around the commissioning of art in general (such as investing in cooperation and trust). In particular, the role of artist contracts as well as issues associated with the artist's 'right-to-fail' and the importance of commitment, cooperation, reputation and trust are examined. As a whole, the examples outlined in this thesis can be seen to demonstrate how cooperation and successful relationships within the artworld have

led to collaborations which have facilitated the making of ambitious contemporary art through a commissioning process. Furthermore, they reveal how commissions have offered necessary support to artists, which have helped to advance their works and created legacies for public museums and galleries in the UK as well as for their audiences.

The fact that commissioning has not yet been examined in light of its adherence to trust or been looked at in relation to cooperation and group dynamics is surprising since these characteristics are central to art commissioning. However, if commissioning is to become a mainstream museum practice, the relationship between commissioning, cooperation and trust requires greater attention. This thesis has sought to fill this gap in the research, drawing on the theory of trust, literature on the sociology of the artworld and primary source material as a methodology, in order to draw attention to the issues that underpin the production of new works of art and those which have prevented art commissioning from becoming a mainstream museum practice.

This thesis has demonstrated how by developing strong relationships with artists and building partnerships with other commissioning organisations museums and galleries can create a landscape that is characterised by cooperation and trust. This, in turn, can support more efficient social exchanges, which will help to overcome many of the risks associated with art commissioning. In doing so, museums and galleries are not only facilitating new creativity, supporting artists and their works and creating new opportunities to engage with ambitious contemporary art as well as creating legacies for commissioned works, they are also, by investing in trust-based practices, fulfilling broader commitments to their roles as public arts institutions, as these features are a central component of a healthy society. This was underpinned by, Collier and Esteban who assert that organisational success requires being more participative and more flexible, which means people collaborate more and where:

> "[T]he notion of 'organizing' is no longer associated with 'structuring' into some fixed pattern of order, but rather with the generation and facilitation of relationships. [...] Where authoritarianism is replaced by a leadership which facilitates self-management. Control is replaced by trust. [...] The aim

> is to create an organizational climate that supports and enhances human productivity and creativity."[136]

The examples presented in this thesis evidence how successful commissioning exchanges between museum curators and artists require an investment in the features outlined above, in particular, how strong relationships underpin cooperation and trust, which are a requirement of all social exchanges. Trust is an inherent part of the success of commissioning practices for this reason. The methodology applied to this thesis has created a framework that museum and gallery curators seeking to commission new work from artists can draw upon using the insights and experiences of artists and commissioners presented in this thesis as a guide for future projects. The aim is that by drawing awareness to core features of group dynamics will lead to more efficient exchanges between commissioners and artists and to greater numbers of successful projects.

This thesis has focussed primarily on museum and gallery commissions. However, this framework could apply equally to other kinds of commissions, which due to the length of this study could not be included here. In particular, other areas that could be explored in more detail include: artist residencies, public-private commissioning partnerships and specialist areas of commissioning such as craft commissions and commissions for performance art, to name a few. Investigating particular kinds of commissions could help to create a more detailed picture of commissioning as a trust-based practice offering further insights into special areas of commissioning for public museums and galleries and artists, which could add to those introduced in this thesis. As the correlation between trust, cooperation and contemporary art commissioning has not been looked at before there is considerable scope for further examination of the complex relationships at play within the artworld that enable such exchanges between contemporary commissioners and artists, this is where further qualitative research and interviews on this topic could

[136] Collier and Esteban, "Governance in the Participative Organisation: Freedom, Creativity and Ethics".

be beneficial. In particular, future research might focus on how breaches in trust impact exchange relationships within the artworld and consequently the success of future projects.

In the context of commissioning, trust has led to greater levels of creative freedom for artists. This is important since, in dependent creative processes, like commissioning, the creative freedom of the artist is at stake. It is therefore that commissioners who invest in higher levels of trust are allowing greater creative freedom to artists,[137] which in turn can usher greater creative progress and ultimately facilitate more successful artworks. This has led to the creation of a model for commissioning, which privileges the creative freedom of the artist and does so by investing in communication, flexibility and cooperation. Contracts and commissioning agreements can help to facilitate this, however, these too must be led by trust. As Touboul points out, in order to avoid contracts that include stipulations which are so numerous or detailed as to hinder the artist's creative freedom, but rather instead serve as a point of reference to guide the commissioning process, high levels of trust is required.[138] This was underpinned by Maria Lind, Director of the Tensta Konsthall and former head of the Museet Moderna Projekt, who claimed that:

> "Beyond the obvious archival function of gathering our collective memories, I believe we still need art institutions to act as platforms for experimental art. However, the institution must become more flexible and heterogeneous, just as art itself is, and those of us who work in institutions must be more imaginative. The institutions must be capable of renewing and reinventing both their own formats and their audiences on a regular basis. Those of us who work within their frameworks must refine our strategies and our methods of address. The paradox [of the museum] only becomes a deadlock when institutions conform exclusively to the routines of functioning as a showroom and an archive."[139]

[137] Touboul, "Etape 19: Le contrat de commande d'une œuvre d'art en droit privé", Last accessed: 21/07/2013.

[138] Ibid., Last accessed: 21/07/2013.

[139] Maria Lind. "Learning from Art and Artists". In: *Curating in the 21st Century*. Ed. by Gavin Wade. New Art Gallery Walsall and the University of Wolverhampton: Walsall, 2000, pp. 235–257, p. 245.

Commissioning new work from artists is one such 'method of address', offering public museums and galleries the chance to move beyond the presentation and collection of existing work and to develop a live engagement with contemporary art and artists. Contemporary art commissions have been particularly effective in inspiring new audiences to engage with ambitious artworks. In doing so, however, commissioning practices have challenged current institutional standards related to risk. In order for commissions to become a mainstream museum practice requires a redefinition of risk, which sees it not merely as a threat and something to be measured and controlled, but rather as a necessary part of artistic advancement. Running parallel to this is the need for public museums and galleries to acknowledge the importance of developing strong relationships with artists as well as seeking to create stronger museum partnerships that could foster cooperation and efficient social exchanges.

It is only by investing in cooperation and working to strengthen relationships with artists that museums and galleries can overcome the risks associated with commissioning and begin to maximise the benefits commissions offer. This requires a commitment to flexibility and collaboration that seeks to empower artists by allowing for leadership that facilitates self-management, where control is replaced by confidence and a willingness to collaborate. By engaging in trust-based practices like commissioning and by working with artists, public museums and galleries are creating an institutional climate that supports greater productivity, efficiency and creativity. In doing so, they are handing over greater control to artists and through strong relationships and cooperation giving them back some of their autonomy and creative freedom, which is an essential part of artistic progress.

The Museum of Modern Art (MoMA), New York has outlined in its mission "[...] that it is essential to affirm the importance of contemporary art and artists if the museum is to honor the ideals with which it was founded and to remain vital and engaged with the present."[140] This statement seems to hold true for most museums and galleries with

[140]Lind, "Learning from Art and Artists", p. 248.

contemporary art collections. However, if this is to be the case then there is a need to push beyond the confines of traditional institutional patterns and approaches that favour collecting existing works, which by way of fear have shunned new ways of working and by doing so restrained creative advancement, and instead to seek out creative new ways to, not only mediate and display art, but also to contribute to its making and its dissemination. This thesis has argued that commissioning processes offer a direct means of achieving this. In order to commission and to do so effectively, however, requires a shift in thinking where public arts institutions are concerned, which embraces flexibility over rigid structuring, which is the basis of cooperative exchange. This requires developing and nurturing strong relationships with artists and arts professionals, which could help to generate and strengthen cooperation and ease exchange relations where commissioning is concerned, enabling public museums and galleries the ability to make the most out of commissioning and commission-accession practices and to use these models to build their collections into the future.

Appendix A

A.1 List of Museums and Galleries that Completed a Questionnaire with Statistics

Yes answers are given a value of 1.

No answers are given a value of 0.

	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9
ABERDEEN MUSEUM AND ART GALLERY	1	1	0	1	1	0	1	1	0	1	1	1	0	1
ABERDEEN UNIVERSITY ART GALLERY	1	1	0	1	1	0	1	1	0	0	1	0	1	0
ABERYSTWITH UNIVERSITY ART GALLERY	0	0	0	1	1	1		1	0	0	0	0	1	0
AMGUEDDFA, NATIONAL MUSEUMS OF WALES	1	1	0	1	0	1	1	1	0	0	1	0	1	1
ASHMOLEAN MUSEUM	1	0	0	1	0	0	1	0	0	1	1	0	1	0
ATKINSON ART GALLERY, SEFTON	1	0	0	1	0	0	1	1	0	1	1	0	0	0
BUTLER GALLERY, KILKENNY	0	0	0	1	1	1	1	1	0	0	0	0	1	0
DONCASTER MUSEUM AND ART GALLERY	0	0	1	0	0	0	0	0	0	1	1	0	1	0
DUNDEE CITY ART GALLERY	1	0	0	1	1	1	1	1	0	1	1	1	1	1
DUNDEE UNIVERSITY MUSEUM	1	0	0	0	0	0	1	0	0	1	1	1	1	0
EDINBURGH CITY ART CENTRE	1	0	0	1	1	1	1	1	0	0	1	1	0	1
GALLERY OF MODERN ART, GLASGOW	1	1	0	1	1	0	1	1	0	1	1	0	1	1
GALLERY OLDHAM	1	1	0	1	1	0	1	1	0	1	1	1	1	1
GRAVES ART GALLERY, MUSEUMS SHEFFIELD	1	0	0	1	1	0	1	1	0	1	1	0	1	1
GRUNDY ART GALLERY, BLACKPOOL	1	0	0	1	1	0	0	1	0	1	1	0	1	0
HARRIS MUSEUM AND ART GALLERY, PRESTON	1	1	0	1	1	1	0	1	0	0	1	0	1	1
HERBERT MUSEUM AND ART GALLERY, COVENTRY	1	1	0	1	1	0	1	0	0	0	1	1	0	1

	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9
HULL UNIVERSITY ART COLLECTION	1	0	0	1	1	1	1	0	0	0	1	0	1	0
HUNTERIAN MUSEUM AND ART GALLERY	1	0	0	1	1	1	1	1	0	1	1	1	1	1
LAING ART GALLERY AND MUSEUM, NEWCASTLE	1	1	0	1	1	0	1	1	0	1	1	0	1	1
LAKELAND ARTS TRUST	1	1	0	1	1	1	1	1	0	0	1	0	0	0
LEAMINGTON SPA ART GALLERY AND MUSEUM	1	1	0	1	1	0	1	1	0	1	1	0	1	1
LEEDS MUSEUMS AND GALLERIES	1	0	0	1	1	0	1	1	0	1	1	0	1	1
LINCOLNSHIRE, THE COLLECTION	1	0	0	1	0	1	1	1	0	1	1	1	1	0
LYTH ART GALLERY	1	0	0	1	1	0	0	0	0	1	0	0	1	0
MCMANUS, DUNDEE	1	1	0	1	1	1	1	1	0	1	1	1	1	1
MEAD ART GALLERY, WARWICK	1	0	0	1	1	1	1	1	1	0	1	1	1	1
MIMA, MIDDLESBOROUGH	1	0	0	1	1	1	1	1	0	0	0	0	1	1
NATIONAL MUSEUMS NORTHERN IRELAND	1	0	0	1	1	1	1	1	0	0	0	0	1	1
NEW ART GALLERY, WALSALL	1	1	0	1	1	0	1	1	0	1	1	0	1	1
NEWPORT, WALES	1	0	0	1	0	1	1	0	0	1	0	0	1	1
NORWICH CASTLE MUSEUM AND ART GALLERY	0	1	0	1	1	1	1	1	0	1	0	0	1	0
PAISLEY MUSEUM AND ART GALLERIES	1	0	0	1	1	0	1	1	0	1	1	1	1	1
PERTH MUSEUM AND ART GALLERY	1	1	0	1	0	0	1	1	0	1	0	1	0	0
PIER ARTS CENTRE, ORKNEY	1	0	0	1	1	1	1	1	0	1	1	0	1	1
PONTYPOOL MUSEUMS TORFAEN MUSEUM TRUST, WALES	1	0	0	1	0	1	1	1	0	0	1	0	0	0
PORTSMOUTH MUSEUM OF ART	1	0	0	1	1	1	1	1	0	1	1	1	1	0
RUGBY ART GALLERY AND MUSEUM	1	1	0	1	1	0	1	1	0	1	1	0	0	0
SOUTHAMPTON CITY ART GALLERY	1	0	0	0	0	0	0	0	0	0	0	0	1	1
STOCKPORT ART GALLERY, CHESHIRE	1	0	0	1	1	0	1	0	0	0	1	0	1	0
TOUCHSTONES, ROCHDALE	1	0	0	1	1	0	0	1	0	1	1	0	1	0
TULLIE HOUSE, CARLISLE	1	1	1	1	1	1	1	1	0	1	1	0	1	0
TURNPIKE GALLERY, LEIGH	0	0	0	1	1	0	0	1	0	0	1	0	0	0
WALKER ART GALLERY, LIVERPOOL	1	0	0	1	1	0	1	1	0	1	1	1	1	1
WOLVERHAMPTON ART GALLERY	1	1	0	1	1	0	1	1	0	1	1	0	1	1
YORK MUSEUMS TRUST	1	0	0	1	1	1	1	1	0	1	1	1	1	0
	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9

	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9
YES:	89%	37%	4%	93%	78%	46%	84%	80%	2%	65%	80%	33%	80%	52%
NO:	11%	63%	96%	7%	22%	54%	16%	20%	98%	35%	20%	67%	20%	48%
	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9

A.2 Complete List of Surveyed Museums and Galleries

1	ASHMOLEAN
2	YORK MUSEUMS TRUST
3	PAISLEY
4	THE CASTLE
5	HARRIS
6	TYNE&WEAR
7	LIVERPOOL
8	HUNTERIAN
9	MCMANUS
10	RUGBY
11	TURNPIKE
12	ABERYSTWITH UNIV
13	LAING
14	ABERDEEN UNIV
15	ATKINSON
16	CARLISLE
17	DONCASTER
18	DUNDEE
19	HERBERT
20	LAKELAND ARTS
21	LEAMINGTON SPA
22	LEEDS
23	LINCOLNSHIRE
24	NEWPORT
25	PERTH
26	PIER ARTS CENTRE
27	PONTYPOOL
28	PORTSMOUTH
29	SEFTON
30	STOCKPORT
31	TOUCHSTONES
32	WALSALL
33	ABERDEEN
34	GRUNDY
35	SOUTHAMPTON
36	WARWICK
37	AMGUEDDFA
38	OLDHAM
39	DUNDEE CITY
40	LYTH
41	GOMA

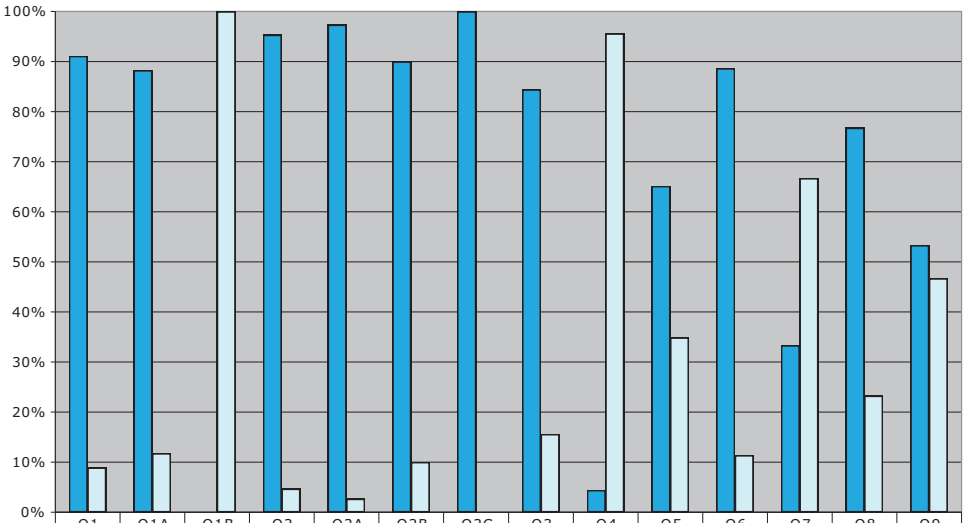
42	WALKER
43	EDINBURGH CITY ART CENTRE
44	MERCER ART GALLERY, HARROGATE
45	NEW WALK MUSEUM, LEICESTER
46	SOUTH LONDON GALLERY
47	SUNDERLAND MUSEUM AND ART GALLERY
48	SWINDON MUSEUM AND ART GALLERY
49	THE POTTERIES MUSEUM AND ART GALLERY
50	UCL ART COLLECTION
51	WHITWORTH ART GALLERY
52	LILLIE ART GALLERY, MILGAVIE
53	SMITH ART GALLERY AND MUSEUM
54	WOLVERHAMPTON ART GALLERY
55	WORCESTER CITY MUSEUM AND ART GALLERY
56	CITY AND COUNTY SWANSEA MUSEUMS
57	WILLIAMSON ART GALLERY AND MUSEUM, BIRKENHEAD
58	CANTERBURY CITY MUSEUM
59	PALLANT HOUSE GALLERY
60	MACLAURIN ART GALLERY, SOUTH AYRSHIRE
61	ROZELLE HOUSE GALLERY, SOUTH AYRSHIRE
62	BURY ART GALLERY
63	CHELTENHAM ART GALLERY AND MUSEUM
64	FERENS ART GALLERY, HULL
65	HULL UNIVERSITY ART COLLECTION
66	GALLERIES AND MUSEUMS TRUST GRAVES ART GALLERY/SHEFFIELD MILLENIUM GALLERY
67	GLYNN VIVIAN ART GALLERY, SWANSEA
68	BRIGHTON AND HOVE MUSEUM AND ART GALLERY
69	TOWNER ART GALLERY, EASTOBOURNE
70	FALMOUTH ART GALLERY
71	BRISTOL CITY MUSEUM AND ART GALLERY
72	DICK INSTITUTE
73	ORMEAU BATHS GALLERY
74	GRACEFIELD ARTS CENTRE
75	SAINSBURY CENTRE FOR VISUAL ARTS
76	PERTH MUSEUMS AND ART GALLERY
77	BUTLER GALLERY, KILKENNY
78	UNIVERSITY GALLERY LEEDS
79	NOTTINGHAM CONTEMPORARY
80	NATIONAL MUSEUMS NORTHERN IRELAND
81	MIMA
82	PLYMOUTH CITY ART

A.3 Statistics for Museums and Galleries Questionnaire

General statistics:

Total Number of Surveyed Institutions	82
Number of Responding Institutions	45
Number of Non-responding Institutions	35
Rate of Response in %	55%
Rate of No Response in %	45%

Statistics for Questions (1-9) of museums and galleries survey, including % for yes/no responses:



	Q1	Q1A	Q1B	Q2	Q2A	Q2B	Q2C	Q3	Q4	Q5	Q6	Q7	Q8	Q9
YES	91%	88%	0%	95%	97%	90%	100%	84%	4%	65%	89%	33%	77%	53%
NO	9%	12%	100%	5%	3%	10%	0%	16%	96%	35%	11%	67%	23%	47%

A.4 Museums and Galleries Questionnaire

University of Glasgow
Department of History of Art

Museums and Galleries: Commissioning and Collecting

I seek your participation in an important survey. I hope that you will be able to take a little time to complete the questionnaire below as fully as you are able, and return it to me, either by email or post. Alternatively, I would be happy to arrange a time to call and complete the questionnaire over the phone with you.

Bo Hanley
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History of Art department
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8 University Gardens
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[m] (0)789 452 3167
[e] b.hanley.1@research.gla.ac.uk

PhD Supervisor: Dr Tina Fiske, Research Associate, National Collecting Scheme Scotland

1) Are you actively collecting contemporary art?
   a. If yes, do you have a fixed budget to do so?
   b. If no, have you done so in the past?

2. Does your institution commission new work from artists? If yes, for what purpose: a. for exhibition; b. for out-door spaces; c. for your permanent collection; d. other (please specify)

3. Have you personally commissioned work before in your current institution or in a previous place of employment (if yes, please specify which)?

4. Does your institution have a separate budget to commission new work? If not, how do you normally finance a commission?

5. In your experience, do you feel that commissioning could prove to be a cost effective way to build a collection?

6. Can you give an example of a recent commission within your institution? If yes, please give details (e.g.: institution, artist, title of work, date). Did this result in an acquisition to your collection?

7. Have you ever acquired a work that was commissioned by [an]other organization[s] in your area, if yes, please give details?

8. Are there organizations or institutions with which you have worked that commission work, and with whom you would like to develop a 'commission-accession' relationship? Is it something you would like to develop or explore further?

9. Have you or your institution participated in any of the following schemes or memberships:

- Scottish Arts Council, National Collecting Scheme for Scotland (NCSS)
- Art Fund International
- Contemporary Art Society, Special Collections Scheme

Are you happy for the details of this questionnaire to be used in the context of my doctorate thesis? Yes / No

Are you happy to respond to further questions by phone, based upon this completed questionnaire? Yes/No

Name and position……

Your contact information…….....

Signature……..Date ……

Appendix B

B.1 List of Interviewed Persons

Museum and Gallery Professionals:

- Ali Subotnick
- Amanda Draper
- Lindsay Taylor
- Andrea Kusel
- Anna Robertson
- Ben Harman
- Eva Gonzalez-Sancho
- Fiona Bradley
- Franck Gautherot

- Jessica Morgan
- Jo Digger
- Katrina Brown
- Laura Turner
- Lisa Panting
- Lucy Bayley
- Mungo Campbell
- Rob Bowman
- Sarah Munro
- Suzanne Cotter

Artists:

- Joanne Tatham
- Tom O'Sullivan
- Johanna Billing
- Martin Boyce
- Richard Wright
- Toby Paterson

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